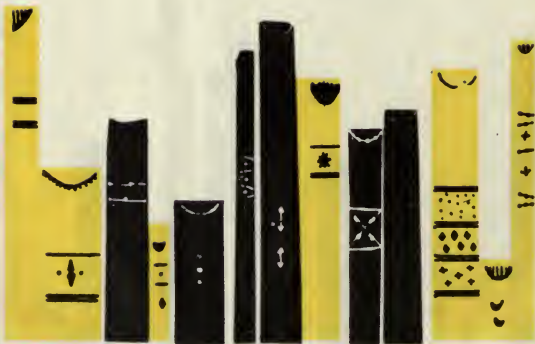


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NEW MEXICO HISTORICAL REVIEW

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CONSTITUTION

OF THE

HISTORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 19, 1929)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, two vice-presidents, a corresponding secretary and treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors shall have been elected and qualified.

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be \$3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review*.

Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Mr. Lansing B. Bloom, Santa Fe, N. Mex.

NEW MEXICO HISTORICAL REVIEW

Vol. VII

JANUARY, 1932

No. 1

F. X. AUBRY: SANTA FÉ FREIGHTER, PATHFINDER AND EXPLORER

By WALKER D. WYMAN

SOMETIME in the early forties F. X. Aubry, a Canadian by birth, came to the booming town of Independence, Missouri, and soon became known as a merchant of "great enterprise," connected with the Santa Fé trade.¹ He must have possessed a stirring personality for an admiring contemporary wrote of his "medium stature and slender proportions, with keen eyes, iron nerve, great resolution, and indomitable perseverance."² Another believed that his intelligence and sagacity and his success in overcoming difficulties of every nature proved how completely Aubry had adapted himself to the life he loved so well.

Aubry had come to the scene just in time to see overland freighting become a great business. The trade with New Mexico had increased manifold after the occupation of northern Mexico by the Army of the West. The lowly ox and the great prairie became an integral part of westward expansion, and the Santa Fé Trail—a wide roadbed some eight hundred miles in length through an unsettled country—became the path of empire over which guns, groceries, and dry goods rattled to New Mexico from Missouri river towns.

1. *Missouri Republican*, September 11, 1854. This testimony was given under oath in the trial of Major R. H. Weightman for the murder of Aubry. The name was often spelled "Aubrey."

2. George D. Brewerton, "In the Buffalo Country," *Harpers' Magazine*, vol. XXV, p. 456.

By 1847, or before, Aubry was engaged in freighting goods to Santa Fé. The conventional freighter made but one trip each season, starting in the spring after the grass was sufficiently high to subsist the cattle or mules, and returning before snow and cold weather made freighting difficult or impossible. But Aubry started making several trips each year, thereby establishing his "Lightning Express." The first merchants to arrive in the spring made as high as one hundred per cent on the goods sold in Santa Fé. Aubry would hasten back to Missouri and would be enroute again by the time the regular freighters were on the way. There seems to be no evidence that he caused others to adopt his procedure, but rather he remained as the only one consistently to follow winter freighting.

In April, 1847, Aubry left Independence for the first trip of the year; by September 9 he was ready to leave Independence again; and on Christmas Day he started back to Missouri. In spite of the cold and the snow he made the trip in fourteen days. The *Reveille* reported that he left his wagons behind at the Arkansas river and rode the remaining three hundred miles in three days. Three mules were killed enroute. The government express, which had started three days before he left arrived several days after he did.³ His reputation was rapidly being made.

The *Independence Expositor* harbored no worries over their prominent citizen when he left for Santa Fé in early March, 1848. "We have every confidence," the editor wrote, "in the dauntless zeal and indomitable enterprize of Mr. Aubrey to overcome every obstacle." Having left a number of "fleet-footed" saddle mares along the way he immediately made arrangements for a rapid return. A wager was made that he could not make the trip in eight days—"and many were the boots, and numerous the hats, to say

3. *Missouri Republican* quoted in the *New York Tribune*, January 25, 1848; also *St. Louis Reveille*, January 17, 1848. The *Reveille* believed this the quickest trip ever made.

4. Quoted in the *Reveille*, March 20, 1848.

nothing of the 'tens' and 'twenties' which were hazarded upon Aubrey's intentions."

On the night of May 19 he started from Santa Fé. Within eight days he was in Independence. Newspapers and later writers have proclaimed this event without any degree of incredulity. The Indians had detained him more than a day, he reported, so he had actually covered the distance in seven days. The six men who accompanied him from Santa Fé had fallen behind before they had gone three hundred miles. Alone on that eerie trek he walked forty miles, for three days he was without food, and for only three or four fleeting hours did he succumb to the desire to sleep. Three horses and two mules, so the newspapers said, were left along the trail as mute evidence of his relentlessness. Albert D. Richardson in his *Beyond the Mississippi* says that Aubry won the wager of \$1,000, but at the end he was so stiff that he had to be lifted from his saddle.⁵

However, if the testimony of the *Missouri Republican* (September 24, 1848) is to be accepted, this spectacular ride was to be eclipsed by one in the following year. "This trip," the *Reveille* clarioned, "transcends the history of travelling." Six horses [and he "always preferred using the very best saddle stock"] having been left along the trail with various caravans so as to be available at strategic points, sank in sheer exhaustion during this ride. For only two and one half hours, so the account goes, did he sleep. When he arrived in Independence he was helped from his horse and carried inside the Noland House. To the editor of the *Reveille* he brought a letter from someone in Santa Fé. This message, dated September 12, delineated his character and the nature of his most recent exploit in one sentence: "Allow me to introduce to you [that is, to the In-

5. George Brewerton, *op. cit.*

6. The accounts of this trip are given in the *Reveille*, June 5, 184; *New York Tribune*, June 12, 1848, quoting the *Missouri Republican*, June 3, 1848; and in several secondary works. Richardson refers to a trip made in seven days but gives no date. I assume this was the same trip.

dependence editor] the man to whom the telegraph is a fool.”

In the latter part of October, 1848, Aubry was enroute to Santa Fé in lumbering freight wagons, proceeding in a leisurely manner. The Indians stole some of his mules and killed one of his men near Cow Creek. He pushed ahead by the Raton route (the north branch of the Santa Fé Trail by way of Bent's Fort) after extra animals, while the train came along in its crippled condition. When Aubry returned to them later the intense cold had killed seventy-five mules and the Indians had caused the disappearance of nearly the same number. However, by the middle of February he was back again in Independence with news of Santa Fé up to December 16.⁸

These disasters caused by the cold may account for Aubry's shift of freighting routes in 1850. In the middle of February he left Victoria, Texas, with eighteen wagons, for Chihuahua. Later he reported that the road he traveled could be shortened by one hundred miles, and that, in his opinion, the advantages of this route were so great that all the Chihuahua and much of the Santa Fé trade would take this course.⁹ This optimism must have cooled, for the next year he was running the Santa Fé Trail again. In early spring he left El Paso del Norte. Going by way of Santa Fé, accompanied by ten wagons and forty men, he headed for Independence. At Cottonwood he left his train behind and dashed the remaining two hundred miles in two days on his famous yellow mare. According to the *Missouri Republican* (July 8, 1850) he rode the last hundred and twenty-five miles of this distance in twenty and one-half hours. It was in something of a tone of awe that this newspaper concluded, “[he] moves with almost electric speed.”¹⁰ Within seventy-seven days after leaving Santa Fé for this

7. *Reveille*, September 24, 1848. A. E. Adair wrote in the *Odessa Democrat* (Missouri), February 23, 1917, that Aubry took his food and sleep in “broken doses,” eating between periods of three hours sleep.

8. *Reveille*, February 13 and February 17, 1849.

9. *New Orleans Crescent*, quoted in *Missouri Republican*, March 14, 1850

10. *Missouri Republican*, July 8, 1850.

trip Aubry drove past the public plaza again. This was just twenty-one days less than any previous trip.

After having come from Independence in March and April of 1851, Aubry started back on April 23. In this trip he tried to cut off distance as well as find a route which would eliminate the Cimarron desert with its expanses of sand, void of water and vegetation. At Cold Spring they left the trail, proceeding in a northeastern direction much of the time over a dry sandy plain. After he was satisfied that no new route could be obtained and having but one gallon of water in camp, the party turned northward to the Arkansas. When they arrived at the river the animals had been without water for two days and the men for one day. "They had traveled through sand and hot sun, and had to drink the blood of the Antelope," remarked the *Missouri Republican* a few days later. From Cottonwood on, Aubry rode a hundred miles per day. Newspapers told that just eighteen days after leaving the New Mexico capitol he galloped down the wide streets of Independence.¹¹

Later in the same year this freighter attempted another short cut. He expected to find a crossing much above the one at Fort Mann. A correspondent of the *Missouri Republican* wrote that Aubry's "travelling enterprize and endurance exceed, perhaps, those of all other men living. He has made three trips across the Plains in one year, with loaded wagons. The mail last month, with all its advantages for moving speedily, had to leave nine-tenths of its burden behind; while Aubry came through with heavy teams, and without the loss of an animal . . . [he] has gained the highest admiration for his daring qualities and unscrupled achievements, as the electric traveler."¹²

On New Year's Day, 1852, this Mercury of the plains was out from Santa Fé with a large amount of specie. The heavy snow and twenty-below-zero weather did not prevent him from attempting a new route. His safe arrival on

11. For a day by day account see the *Missouri Republican*, May 19, 1851.

12. *Missouri Republican*, February 2, 1852.

February 5 caused the *Missouri Republican* to pay him the tribute: "no season or weather stops him; and whilst he leads large caravans, he always is successful, both in time and safety."¹³

Sometime in March Aubry faced southwestward again. By early April he was enroute to Missouri, resolved to try a new road. Leaving the trail at Cold Spring as before, he veered northwest, striking the Arkansas fifty-eight miles above the regular crossing. Proceeding in the same direction above the river, he maintained that he saved fifty miles and could save one hundred if properly done.¹⁴

Aubry's third trip of the year, 1852, was made in August. Bringing two hundred and fifty mules, twelve wagons, and two carriages, he broke no records. Perhaps his interest was waning, for in the next two years he turned to new fields (to him) to exploit, and new paths to follow.

In December (1852) Aubry set out from Santa Fé with nearly 5,000 sheep, a few pack animals, and a number of mules, destined for California. The sheep market offered an opportunity for speculation. Several New Mexicans had already turned to this field of investment.¹⁵ But he was by nature an adventurer. He had constantly turned to new fields or had done many unusual feats to satisfy his restlessness. The blood of the pioneer coursed through his veins and in another age he might have been a promoter of the Pony Express or "Around the World Flights." But in the fifties the fever of continental railroads and Pacific wagon roads was in the air. Aubry moved from the smaller sphere of the Santa Fé Trail to the larger sphere of the whole southwest. While selling sheep in California was a means of a lucrative adventure it also provided him the means and the opportunity to see for himself the proper

13. *Missouri Republican*, February 2, 1852.

14. *Missouri Republican*, May 18, 1852. This short-cut was used some by freighters. The *Missouri Republican*, September 11, 1854, said that this had been pronounced the best road by a topographical engineer.

15. *Missouri Republican*, July 31 and November 11, 1853. This paper estimated that 50,000 sheep would start in November to California by way of the Gila route alone. Others were driven up by way of South Pass and Fort Bridger.

route for a railroad or a wagon road from New Mexico to the Pacific.

Consequently the sheep were herded down the Rio Grande, across to the Gila, down that river to the junction of the Colorado, thence up to the coast where they were sold. The financial success must have inveigled him for he is supposed to have said that he "would not thank any man to offer him 50 cents per pound for freight from Independence to Santa Fé."¹⁶ The *Independence Messenger* believed him worth \$250,000 in "plato blanco" after this bit of speculation.

The return from San Francisco offered him his opportunity. Crossing the Sierra Nevada through Tejón Pass, he with a party of eighteen men traveled eastward along the thirty-fifth parallel to the Mojave river, along that river for a few days, then leaving it to the right proceeded to the Colorado. Hostile bands of Indians harrassed them as they went toward Zuñi. At one time a party of warriors, abetted by squaws and children, attacked and threatened to destroy them. Twelve of the whites were seriously wounded and twenty-five Indians were killed. Water became scarce and good food an unattainable luxury. For a month they subsisted on mule and horse flesh, including his "inestimable" mare *Dolly*.¹⁷

On September 10 they were in Albuquerque, having completed the first investigation of a route along the thirty-fifth parallel from New Mexico to California.¹⁸ At the end of his journal he made a complete resumé of the trip, purposes, and possibilities of the route. "I set out in the first place," he wrote, "upon this journey, simply to satisfy my own curiosity as to the practicability of one of the much talked of routes for the contemplated Atlantic and Pacific

16. The account of this drive is given in the *Missouri Republican*, July 4, 1853, which quotes the *Independence Messenger*, June 25, 1853.

17. His journal as published in the *Saint Louis Western Journal and Civilian*, Vol. II, No. 2, pp. 84-96, is given in Appendix I.

18. Captain L. Sitgraves made a reconnaissance as far as the Colorado from New Mexico in 1851. He followed the thirty-fifth parallel. See *Senate Executive Doc. No. 59, 32d. Congress, 2d Session.*

Railroad. Having previously traveled the southern or Gila route, I felt anxious to compare it with the Albuquerque or middle route. Although I conceive the former to be every way practicable, I now give it as my opinion that the latter is equally so, whilst it has the additional advantage of being more central and serviceable to the Union. I believe the route I traveled is far enough south to be certainly free from the danger of obstruction by snows in winter. . . I am satisfied that a railroad may be run almost mathematically direct from Zuñi to the Colorado, and from thence to the Tejón pass in California. . ." Then he proceeds to give specific recommendations in regard to the exact location of the track. He states his objections to the other proposed routes and ends his journal thus: "I have no interest in recommending one of these routes more than another. . . Upon the route I have just traveled, I encountered many hardships and dangers, and met with serious pecuniary loss; yet I say it is the best for a railroad, and would be excellent for ordinary traveling but for the Indians. A large portion of the trail over which I passed—say some 250 miles west from the Rio Grande—is, for the most part, admirably adapted to farming and stock raising."¹⁹

Just a few days after Aubry had started from California a government expedition, under Lieutenant A. W. Whipple, started from Ft. Smith, Arkansas, to "ascertain the most practicable and economical route for a railroad from the Mississippi to the Pacific ocean" which would lie along the thirty-fifth parallel.²⁰ Before Whipple left Albuquerque for the west, one of Aubry's men was consulted, and he gave

19. Quoted from his *Journal* cited *ante*, pp. 94-96. The *Missouri Republican* made a map of Aubry's route on January 1, 1854. It was published by the St. Louis Chamber of Commerce in their annual report of 1853 under the title of "Map of the United States Showing the principal Steamboat routes and projected railroads connecting with St. Louis." A photostatic copy of this map was obtained through the courtesy of the State Historical Society of Missouri, Columbia, Missouri.

20. The Military Act of March 3, 1853, provided for this survey. Whipple with a corp of topographical engineers, geologists, artists, and other experts, escorted by troops, and taking wagons and pack animals, left Ft. Smith, Arkansas, on July 14, 1853, and Albuquerque on November 7, 1853. They arrived in Los Angeles on March 24, 1854. See his journal in *House Executive Doc.* No. 91, 33d Congress, 2d Session, Vol. III.



MAP
of the
UNITED STATES

Showing the principal Steamboat routes and projected Railroads connecting with

ST. LOUIS.
Compiled for the
MISSOURI REPUBLICAN
Jan 7, 1854

Pub. by H. B. Lath, Second & 1/2 St. First & Third Sts. S. East St.

Ohio	771	Miles
Indiana	1778
Kentucky	299
Tennessee	420
Virginia	1784
Alabama	1506
Florida	

them a description of the country over which they had passed. Whipple recorded that the man cautioned them to "avoid his trail as being unsuitable for our [Whipple's] operations."²¹ However, this warning must have been made concerning a part of the trail, for Whipple followed in a general way that taken by Aubry and was enthusiastic concerning it. In the latter part of that year or in the early part of 1854 Aubry and other New Mexican capitalists were on the way to California with their sheep. Aubry had visions of following the same middle route on his return to Albuquerque, but in such a way as to avoid the hardships of the former year. Accordingly, on July 6, he led a force of men through Tejón Pass. This group had been outfitted at a cost of \$15,000 with the avowed object, so he wrote in his journal, of locating "a Wagon Road from this valley [San Jose] to Albuquerque on the north side of the Gila, in the 35th parallel of latitude, or as near it as practicable."²² Whipple's trail was crossed several times, as was his own of the year before. The Indians did not harass them on this trip, nor did the party suffer from lack of food and water.

Thirty-five days after the departure from California, Aubry stopped at the store of Messrs. Mercure in Santa Fé. Major R. H. Weightman, formerly the editor of the *Amigo del Pais*, of Albuquerque, who had published Aubry's California journal of the previous year, entered the store soon after. After shaking hands, the men began a general conversation concerning the journal Weightman had published. Aubry asked Weightman what had happened to his paper, and was told that it had died for lack of subscribers. "Aubry then said that any such lying paper ought to die. Weightman asked him what he alluded to, when Aubry replied and said: 'last fall you asked me for information about it, which I gave you, and you afterwards abused me.'" In the quarrel which followed Weightman threw part of a tumbler of liquor in Aubry's face, then stepped back a pace or two, and

21. *Ibid.*, p. 48.

22. His journal was printed in the *Missouri Republican*, September 26, 1854. See Appendix II.

placed his hands upon his belt. . . . [Aubry] immediately drew a five-shooter from his left side, and as he brought it up in front of him, one barrel prematurely discharged (supposedly while cocking it) before it was on a level with Weightman's person, and the bullet went into the ceiling." Weightman drew a Bowie knife, they clinched, and Aubry was stabbed, dying soon afterward.²³

In the subsequent trial the court instructed the jury that by reason of Aubry's drawing the pistol, Weightman had "no reasonable and safe means in his power to avoid or escape the danger in which he was placed without taking the life of Aubry." Frontier justice was soon given, the jury agreeing unanimously that the defendant was not guilty.²⁴ The *Missouri Republican* rather sadly told of the funeral services being held in the "Parroquial" church in Santa Fé, and that a "large concourse of friends" followed the body to the grave.

The exploits of Aubry drew the respect of the leading newspapers of the day. By them he was referred to as "Telegraph Aubry," the "Great Plains Courier," the "Skimmer of the Plains," and the "fleet traveller of the Prairie," also being given other sobriquets of a similar ring. His speed records, in all probability, inspired the christening of the "F. X. Aubry," one of the "Lightning Line" packets plying on the Missouri. The military department gave his name to a fort on the Arkansas river built for the protection of the Santa Fé Trail in the Indian troubles of 1865 and 1866. The state of Missouri named a town in his honor. Even the gold rush to Colorado in the latter seventies brought an "F. X. Aubry" lode. The name became legendary, associated with great speed and daring. His soul was restless and adventurous, craving only the approbation of his fellowmen. He typifies the frontier spirit in

23. This account is taken from testimony given under oath in the trial of Weightman, published in the *Santa Fé Gazette* and quoted by the *Missouri Republican*, September 26, 1854. Also given by R. E. Twitchell in his *Leading Facts of New Mexican History* (Cedar Rapids, 1912), Vol. II, pp. 305-309.

24. A full account of the trial is given in the *Missouri Republican*, October 28, 1854.

his boundless energy, his faith in himself, and in his belief in the power of man to conquer nature. Yet he made no permanent contributions. A distant government failed to recruit his talents in guiding one of the many surveying parties of the fifties in quest of a suitable railroad route through the Southwest, or in commanding wagon trains to feed the destitute Army of the West in the Mexican War. Aubry probably would have scorned such an offer. It was for him to play the lone hand, to do the unusual and spectacular. To live in the spotlight of public approval was all that he demanded in return. It is rather melancholy that his death should have come while defending one of his exploits. Contemporary testimony indicates that he was one of the heroes of the latter forties and early fifties, and that he deserves the honor of being called a pathfinder, an explorer, and one who personifies the "great riding tradition of the West."

APPENDIX I

AUBRY'S JOURNEY FROM CALIFORNIA TO NEW MEXICO

(The notes, kept by Aubry, of this journey in 1853 are given as they first appeared in the *St. Louis Western Journal and Civilian*, vol. 11, no. 2 (Nov., 1853), pp. 84-96. The editor, in a note, said: "The following account of a trip made by F. X. Aubry from California to New Mexico, through an unexplored region, is full of interest, especially at the present time, and is highly worthy of being preserved in American history on account of the heroism displayed by the author and his comrades.")

Notes.—By F. X. AUBRY

TEJON PASS, *July 10th*, 1853.—As the country between this point and San Francisco is well known, I have kept no minutes of my journey thus far. We crossed the Sierra Nevada at the Tejon Pass, which is in about the 35th parallel of latitude, and about 50 miles south of Walker's pass. From this point we travel east until we reach the Rio

Grande at Albuquerque, New Mexico. It is well to remark that, unfortunately, there is no one with us who knows anything of the country through which we must pass, and we could not obtain any information in regard to it. *My* party consists of eighteen men—twelve Americans and six Mexicans. Messrs. Tully, of Santa Fe, and Adair, of Independence, have joined us for a pleasure trip. We use pack animals entirely, having neither wagon nor carriage.

July 11th.—Left the Pass, and made twelve miles east over a level, gravelly and sandy soil, and found a spring of good water.

July 12th.—Traveled twenty miles eastward, the country similar to that of yesterday. We met with no timber, but found several springs of fresh water. There is timber in the mountains about the Tejon pass, but none on the eastern side of them.

July 13th.—Travelled to-day 35 miles east, and struck the Mohave river, where we found plenty of good water. This river sometimes disappears in its course, whilst at others it contains as much as two feet of water. There is a little coot-wood timber upon its banks, and canebrakes in great abundance. The cane is not of the large species.

The Mohave takes its rise in the San Bernardino mountains, which lie to the south of us, and after pursuing a northern course to a point a little north of our present camp, turns suddenly east, and soon south of east to empty into the great Colorado. Found good grass for our animals.

July 14th.—Made 20 miles east along the Mohave, and found water, timber and grass abundant.

July 15th.—Continued along the river about 18 miles further, in a direction nearly east, then leaving the Mohave to our right, we traveled 15 miles north-east.

Met with an abundance of grass, a little timber, and a few miles of fertile land along the river. There is no water in the bed of the stream; but it may be had by digging a few feet. Found wild game from time to time. Encamped without water, grass or wood.

July 16th.—Still pursuing a north-eastern course—we traveled to-day 35 miles over a level, gravelly soil. We have deviated from our due east course in order to avoid a region of sand hills that lie to our right, and directly between us and the Great Colorado. The weather is very hot, and no rain has fallen since we left the Pass. So far we have met

with neither Indians nor game of any kind. We obtained a little water about half-way in our day's journey; but saw no timber or grass.

July 17th.—Made 33 miles northeast, over a level, gravelly country; about half way obtained a little very bad water. No grass or timber in sight during the day; but at night we obtained good water, grass and wild game. Prairie mountains lie on both sides of the trail.

July 18th.—Traveled 20 miles, still north-east, over a level country. Saw but little good land, and no timber. After traveling about 5 miles, we found good spring water, but encamped without any.

July 19th.—Course still north-east, distance 32 miles, country level, soil inferior, grass and water, but no timber.

July 20th.—Made 20 miles north east over a level, gravelly country, and obtained good spring water and grass. Saw no timber.

July 21st.—Were detained in camp all day by the sickness of one of the men.

July 22d.—Traveled 20 miles east-south-east, most of the distance through a little canon, where we found good grass, water and game in abundance, and struck the great Colorado of the West. The river at this place is over 300 yards in width, and has from 10 to 15 feet water in the channel. Its banks are entirely destitute of timber and grass; in fact, no vegetation is met with except a small shrub, called *chamezo* by the Mexicans, and I believe *artemesia* by botanists. We were very fortunate in striking the river at this point, where there are neither canons nor mountains, although the country appears very rough and mountainous both to the north and south of us. To the north, the rocks are black and irregular, and seem to be volcanic; whilst the cliffs to the south are of red sandstone. The banks at the crossing are low, rocky and unchanging, and the current exceedingly rapid.

We followed the river up for 5 miles, and selected a crossing where it was some 200 yards wide and 20 or 25 feet deep. We succeeded in finding a little drift wood, of which we made a raft. Four men took charge of it, and it was carried some 3 miles with the current before it could be landed. The heights were covered with Indians, in readiness to shoot us down. I started down with four men to follow the raft and protect the men who were upon it,

having ordered the camp to move down in haste. Having unloaded the raft upon the eastern bank, the men recrossed the river, and we selected a camp opposite the place where the baggage was deposited, and during the night kept up a constant fire with our rifles across the river, and in this manner protected it from the Indians.

The animals were taken to the crossing I had first selected, to swim the river. I took them up with three men on the west bank, and four men received them on the opposite side. This detained us half a day, and altogether we were detained five days in crossing the river.

The driftwood of which we constructed our little raft, appeared to have been cut by beavers. These animals must be exceedingly abundant, as they destroyed during the first night the ropes with which our raft was bound together, and carried off the timber. The loss of the ropes was a great inconvenience to us. We set a guard afterwards at night over our second raft, to protect it from a similar fate.

The river showed signs of having been some fifteen feet higher than when we crossed it. It is here a grand and magnificent stream, swift like the Mississippi, and apparently as well adapted to navigation.

The place of our crossing is well suited to bridging, or ferriage by steam or otherwise.

We saw no water-fowl about the river, and only a few antelope and black-tailed deer. East of the river we encountered a great many rattlesnakes of an uncommonly large size. They seem to be a new species, as their tails are covered, for some six inches from the point, with alternate white and black rings of hair or bristles, about a quarter of an inch long.

According to my observations the Colorado of the west is set down upon the maps greatly too far to the east, perhaps as much as 150 miles.

The Indians were constantly in sight, and watching our movements. They could not be induced to approach us; but assured us, across the river, that they were Mohaves.

On one occasion, whilst at rest for a few minutes in a deep gulley, about a mile from the crossing on the west side of the river, a Mexican mule-boy discovered something glistening upon the ground, which on examination proved to be gold. We at once commenced washing sand in our tin cups, and in every one discovered particles of gold. This gold was discovered in a dark, coarse sand, and a black

heavy sand was found in the cup after washing away the gravel. The sandy soil was so compact that we could not dig it up with our fingers. The Indians being still on the heights near us, and our party being separated by the river, the danger was so great that we could not remain longer at this spot. I intended to return again, but the Indians became so numerous that it was impossible to do so. This gulley is on the right bank of the river, and the head of it is in a very rough and rugged mountain.

July 27th.—We washed sand on the east side of the river, and found gold in greater abundance than on any previous occasion. A Mexican boy, on washing a frying-panfull of coarse sand, found from forty to fifty particles of pure gold, some of which were as large as the head of a pin. We took the clay and sand from the top of the ground without digging. The appearance of the country also indicated gold. I made no further examination, as our animals had subsisted for five days upon the *chamezo*, without a blade of grass, and our provisions had been damaged in the Colorado, which must cause us to travel several days without anything to eat.

To-day we made 10 miles east. The country is without wood, water or grass.

July 28th.—Two of our men being sick, we were compelled to return to the river on their account.

Struck it some 15 miles below the crossing, and found that from near that point it makes a considerable bend towards the east. The country here does not indicate gold, nor could we find any on washing the sands.

July 29th.—The condition of our sick men obliged us to remain in camp all day. Our animals were in a starving condition, as there is not a particle of grass on or near the river.

July 30th.—Left the river and traveled 15 miles east, and 5 north-east. A sick Mexican was so much exhausted that we were compelled to make for a mountain north of us, which indicated water; but we found neither water, timber nor grass.

July 31st.—Traveled 8 miles, north-east, and struck a large stream, but much smaller than the Colorado, coming from the east-south-east, and running west-north-west. This stream may be what the Mexicans designate as the Rio

Grande de los Apaches, and what the Americans have recently called the Little Red River.

One of our Mexicans followed this stream a few miles, and says it empties into the Colorado, 7 or 8 miles below camp, and that there is below us a valley of good soil, and grass in abundance. Where we struck this stream there is neither timber nor grass.

In the evening, we traveled 5 miles south, to avoid mountains, and as many east.

The country was level, but without grass or timber.

The mountains, or perhaps more properly hills that we have thus far met with, are nothing more than elevations of various forms and dimensions, dispersed in a detached and irregular manner over a vast and otherwise uninterrupted plateau. Hence, I have constantly termed the country level, and very properly, as it may be traversed in all directions among the solitary and detached elevations or mountains, without the necessity of crossing them.

August 1st.—Traveled 20 miles east, and found a spring of good water; the grass was abundant, and cedar trees were seen on the highlands. The country is level, and the soil inferior.

August 2d.—Made 10 miles east, crossing a mountain or ridge, where we found a fine pass, grass and timber (cedar and piñon,) abundant.

August 3d.—Traveled 20 miles south of east, over a country somewhat broken; timber and grass abundant. Indians were around us in numbers, all day, shooting arrows every moment. They wounded some of our mules, and my famous mare Dolly, who has so often rescued me from danger, by her speed and capacity of endurance.

August 4th.—We moved 10 miles south, to avoid mountains, and struck a valley which we left a few days since, and which extends to the Colorado. The mountains which we left are covered with timber. Grass and water were found in plenty.

The Indians commenced firing on us at sunrise, and continued until we reached camp. Arrows passed through the clothes of the men, and three passed through my own clothes, and I was slightly wounded by two others in different places. An arrow passed through the collar of Dick Williams. We killed several of the Indians and wounded more. Peter Prudon accidentally shot himself in the right knee.

August 5th.—Traveled 10 miles south-east in a valley. No water; grass and timber in abundance on all the mountains.

August 6th.—Continued 10 miles south-east in the same valley in which we traveled yesterday; found no water, but good grass and plenty of timber on and below the mountains. As our sick men are unable to travel, we are suffering for water, having been nearly 3 days without any; and indications are not now favorable. Indians still around us.

August 7th.—Traveled 10 miles south-east, half the distance in the same valley, and then went to a mountain, and found good water, grass and timber. All the mountains in this country are covered with cedar, pine and piñon. The grass is good in all the prairies, but none of them have any water. The soil is sandy and full of particles of mica. Indians are numerous, and continue to fire upon us.

August 8th.—Made 15 miles east-south-east, crossing a little chain of mountains, where we found a level pass, and timber, grass and water in abundance. Crossed a stream running from north-east to south-west, which I think goes to the Colorado. After crossing the mountains, we passed through a fine valley, with an abundance of good spring water, and timber near it. The Indians attacked the camp several times last night, but without success, and continued fighting us during the day, but with less boldness and resolution.

August 9th.—After proceeding 8 miles east, we found ourselves surrounded by cañons, apparently from one to four thousand feet deep; at least we sometimes could not see the bottom. We were compelled to return to the same camp. The country is high and level, and well supplied with timber, grass and water.

August 10th.—Moved 10 miles south-east over a somewhat broken country. Crossed a stream of good water, (with timber along its course,) which is evidently a tributary of the Gila. The country indicates gold in abundance. We crossed a little chain of mountains, where we found a great quantity of silver ore in flint rocks.

August 11th.—Traveled south-east over a country a little broken, but well supplied with water, grass and timber. Indications of gold still exist.

August 12th.—Made 15 miles south-east, crossing the bed of a large stream now dry, with plenty of timber along it. Struck the valley which we left some five or six days ago, having crossed a few days ago the head water of a stream which passes through it. This valley will be of the utmost importance in the making of a wagon or rail road.

To-day, for the first time on this trip, we ate a dinner of mule meat. It was a new dish to most of our men, and made some of them sick. To me it was an old acquaintance, and I feel well. It only served to remind me of hard times on other journeys. The quality of the meat depends on the appetite of the man. Several of us are now on foot.

August 13th.—Marched 20 miles east, leaving to our right the great valley so often mentioned, and which extends to the Colorado. Passed through a little valley between two mountains, where we found timber, grass and water in abundance. The soil was excellent.

We here met Indians, who professed to be very friendly, with papers of recommendation from the commanding officer of Fort Yuma, on the Gila trail.

August 14th.—We left early, and after traveling 5 miles in an eastern direction, stopped to breakfast near an Indian camp of Garroteros. They professed friendship, but having no faith in their professions, I selected a camp on the top of a small hill, which would give us advantage in case of a fight. All went on well until our mules were saddled, and we were ready to start, when, at a given signal, some forty or fifty Indians, apparently unarmed, and accompanied by their squaws, children and babies, (tied to boards,) in their arms, very suddenly charged upon us, and attempted to destroy the whole party with clubs and rocks. The signal of attack was the taking of my hand in farewell by a chief, which he held with all his strength. So soon as these first Indians commenced the fight about two hundred more rushed from behind a hill and brush, and charged upon us with clubs, bows and arrows. I thought, for a few minutes, that our party must necessarily be destroyed; but some of us having disengaged ourselves, we shot them down so fast with our Colt's revolvers, that we soon produced confusion among them, and put them to flight. We owe our lives to these firearms, the best ever were invented, and now brought, by successive improvements, to a state of perfection.

Mr. Hendry, an American, and Francisco Guzman, a New Mexican, greatly distinguished themselves.

Twelve of us, just two-thirds of our party, were severely wounded. I, among the rest, was wounded in six places. Abner Adair, I fear, is dangerously injured. It was a very great satisfaction to me to find that none of my men were killed, nor any of the animals lost. We bled very much from our numerous wounds; but the blood and bodies of the Indians covered the ground for many yards around us. We killed over twenty-five, and wounded more. The bows and arrows that we captured and destroyed, would have more than filled a large wagon.

Before the attack commenced, the squaws kept the clubs, which were from 18 to 24 inches long, concealed in deer skins about their children. When put to flight, they threw their babes down into a deep, brushy gulley, near at hand, by which many of them must have been killed. This is the first time I ever met with a war party of Indians accompanied by their wives and children. The presence of the latter was evidently to remove from our minds all suspicion of foul play on their part. I was never before in so perilous a condition with a party in all my life. On this occasion, which will be the last, I imprudently gave my right hand, in parting, to the Indian chief. The left must answer for leave taking hereafter.

We have thus far had so much ill-luck to encounter, that our arrival at our destination must be much delayed. First, our men fell sick, then our provisions were damaged in the Colorado; latterly, a man shot himself through the knee; our mules' feet, for want of shoes, are worn out; and, to crown all, to-day two-thirds of the party are badly wounded, and all have barely escaped with their lives. We are now subsisting entirely on mule meat, and do not get as much of that as we want. We are without salt and pepper, and, in their absence, it requires a stout stomach to digest our fare. But nobody complains, and the possibility of not doing what we have set out to do, has never entered the minds of my party.

We traveled 5 miles this afternoon, with the Indians at our heels, shooting arrows at us every moment.

August 15th.—Traveled 10 miles east among mountains, where we found water, grass and timber in abundance. Indians around us all day shooting arrows. I omitted, in the proper place, to say that I brought away from

the mountains we passed through on the 10th, a little black sand, less than a cupful, and found in it, on washing, twelve or fifteen particles of pure gold.

August 16th.—Made 10 miles east and found no water; plenty of grass and timber seen on the mountains north of us. Indians still numerous and troublesome. To-day met with copper in very great quantities. A vein of the pure native metal, about an inch and a half in diameter, was seen sticking out from a rock, which must have worn away by time and left the copper exposed. I think there is gold in the ore, but am not certain.

Our condition at present is bad enough. I have eight wounds upon me, five of which cause me much suffering; and at the same time, my mule having given out, I have to walk the whole distance. Thirteen of us are now wounded, and one is sick, so that we have only four men in good health. We are unable to travel faster on account of Adair's condition.

Our canteens, &c., having been broken or destroyed in our fight with the Indians, we cannot carry water enough for more than half a day. This loss caused us to suffer more than can be imagined. Our animals are broken down by this traveling, which could not be avoided. We would come across an abundance of water every day if we could march some twenty-five or thirty miles, but our condition is such that it requires three days to make that small distance. In addition to all this, we are now on half rations of horse meat; and I have the misfortune to know that it is the flesh of my inestimable mare *Dolly*, who has so often, by her speed, saved me from death at the hands of the Indians. Being wounded some days ago by the Garroteros, she gave out, and we are now subsisting upon her flesh.

August 17th.—Moved to-day about 10 miles east, over a country rather rough. Suffering much for want of water. In crossing mountains we have to select the highest places instead of the regular passes, as when caught in cañons or gullies we are not strong enough to fight the Indians. To-day, from the top of a little mountain, I saw the great valley, so often mentioned, extending to the Colorado, not over twenty miles south of us, and it now seems to turn more to the east. I intend to make for it. I entertain fears that Adair and Baskerville are in danger from their wounds; all the others are getting better.

August 18th.—Moved only 5 miles south of east. Found water, grass and some timber.

August 19th.—Went 5 miles to-day in the same direction as yesterday, and came to the great valley that extends to the Colorado. Encamped on a creek of good water and grass. Adair being sometimes unable to travel, we are waiting on him. Indians around us shooting arrows. We never return their fire without being certain of our shots.

August 20th.—Traveled 20 miles east, over a level, gravelly country; crossed a creek; found good grass; no timber in sight.

August 21st.—Moved 10 miles east over a level, gravelly country, and struck a large stream which is, no doubt, a branch of the Gila. The mountains to the north of us are very rough, and without timber.

There is no grass on the stream, which is 30 yards wide, with three feet of water in the channel. Its course is from north to south.

August 22d.—Made 10 miles south-east to a mountain. Country level, and without grass or timber.

August 23d.—Moved about the same distance and in the same direction, over a low, gravelly country. Struck a stream of good water, but without grass or timber.

August 24th.—Went about 8 miles north-east, and encamped in the mountains, where we met with the Apaches Tontos. No timber seen to-day.

August 25th.—Crossed the mountains where the Apaches Tontos live, and found water, timber and grass in abundance. Traveled 15 miles northeast from the top of this mountain, from which we saw the Sierra Blanca Mountains, which are near the Pueblo of Zuñi.

Saw a prairie extending from the east end of the Garrotero Mountain to the upper end of the Sierra Blanca. I saw this prairie when we were at the east end of the Garrotero Mountain, but we were not in a condition to examine it. Fifty miles is nothing with good animals; but ours were broken down, and our wounded men were unable to travel over ten miles a day. But I saw the country sufficiently well to convince me that there will be no obstacle whatever to the making of a rail or wagon road. The mountains which we crossed to-day are impracticable for either. I should like to return to the east end of the Garrotero Mountain and pursue the route I indicate; but it is utterly impos-

sible to do so, as we are now living on berries and herbs. We would rejoice to have mule meat, but we have so few animals, and so many wounded men, that it would be unsafe to kill any more. I have the good fortune of having true men with me, otherwise it would be uncertain that the party could get through; but I have confidence in my men, and I feel positively certain that we will make the trip.

It will take us some ten or twelve days to reach Zuñi, where we expect to procure provisions. I shall travel near the mountains, as heretofore, on account of the certainty and facility of getting water, but shall remain in sight of the prairie extending from the Garrotero to the Sierra Blanca Mountain.

August 26th.—Moved 10 miles east-north-east, most of the way along a creek, where we found grass in plenty, and some timber. The Apaches Tontos are numerous and troublesome.

August 27th.—Made 15 miles east, crossing two streams which are branches of the Gila. We met Indians to-day, who, I think, are not Apaches Tontos, as they do not speak any Spanish, and refuse to answer our questions. We obtained from them over fifteen hundred dollars worth of gold for a few old articles of clothing. The Indians use gold bullets for their guns. They are of different sizes and each Indian has a pouch of them. We saw an Indian load his gun with one large and three small bullets to shoot a rabbit. They proposed exchanging them for lead, but I preferred trading other articles. Whether the Indians made these balls themselves, or whether they were obtained by the murder of miners in California or Sonora, I am unable to say.

August 28th.—Traveled 10 miles east, over a good country, met with more Indians and traded for some horse-meat, by giving articles of clothing in exchange. We traded also a few hundred dollars worth of gold. To-day a mule broke down, and an Indian gave me for it a lump of gold weighing a pound and a half less one ounce.

The Indians are so numerous they would destroy the party if we allowed them the least chance. But we are very vigilant, and select camps on elevated places, consequently we are unable to make any examinations for gold in the sands of the country. The Indians call themselves Belenios.

August 29th.—Traveled some twenty miles in an eastern direction; the country quite level, and the land good, with plenty of grass and water.

August 30th.—Moved about twelve miles north of east, over a country similar to that of yesterday. Found water, grass and pine timber.

September 1st.—Traveled fifteen miles over a country a little broken, and well supplied with water, grass and timber.

September 2d.—Traveled the same distance north-east to the Sierra Blanca. Followed Indian trails all day, and found grass, water and pine timber in great abundance; and most of the soil is of a superior quality.

September 3d.—Pursuing the same course, we traveled some fifteen miles among the same mountains. To-day we passed through valleys of good soil, and we found the pine timber in greater abundance than yesterday. The trees are generally from two and a half to five feet in diameter, and over two hundred feet high. We have seem timber enough to-day to make a railroad from the Eastern States to the Pacific. The passes through this mountain are level, and can be traveled by wagons without any difficulty whatever.

September 4th.—Made 25 miles north-east, crossing the Colorado Chiquito after traveling two miles. The land is level and good, and water and wood are plenty.

September 5th.—Made 20 miles north-east, and got out of the mountains after traveling five miles; struck the prairie, where we found good soil, grass and water.

September 6th.—Continuing north-east over a good and level country for 25 miles, we reached the Indian town or pueblo of Zuñi, where we met with a hospitable and civilized population, from whom we obtained an abundance of good provisions, over which we greatly rejoiced.

We have subsisted for a month on mule and horse flesh, and for the most part of that time on half or quarter rations. But as I have reached this place with all my men, I feel satisfied. I shall take no notes of the country from this town to Albuquerque on the Rio Grande, as a level and much traveled wagon road exists between the two places, and is familiar to the people of New Mexico. It has been described by others, and is well known to present no difficulties to the construction of a railroad.

September 10th.—At Albuquerque, New Mexico. Before laying aside my pencil, for the use of which I have no fancy, I shall set down a few ideas that are now prominent in my recollection.

I set out, in the first place, upon this journey, simply to gratify my own curiosity, as to the practicability of one of the much talked of routes for the contemplated Atlantic and Pacific Railroad. Having previously traveled the southern or Gila route, I felt anxious to compare it with the Albuquerque or middle route. Although I conceive the former to be every way practicable, I now give it as my opinion that the latter is equally so, whilst it has the additional advantage of being more central and serviceable to the Union. I believe the route I traveled is far enough south to be certainly free from the danger of obstruction by snow in winter.

The route, in all its length, may be said to pass over a high plateau, or generally level country, for the most part thickly studded with prairie mountains, or detached elevations, seldom so linked together as to deserve to be called a chain of mountains. Numerous mountains were at all times in sight; but being for the most part isolated peaks, a detour of a few miles would always supersede the necessity of crossing them. To the south of our route from the great Colorado to Zuñi, the country was more level than on the north, and for the greater part of the distance a valley extends nearly due east and west to the Colorado. The existence of so many mountains along the way must be considered, in reference to a railroad, as a very fortunate circumstance instead of a disadvantage, as it is the mountains alone which furnish the timber and never failing water. The plains are only deserts and barren spots, if they are to be called so after the fashion of the day, which exist in all that vast region of country which lies between the Gila on the south and the British Possessions on the north, and the Rio Grande on the east, and the Sierra Nevada of California on the west. The plateau, or table lands, must of course furnish the track upon which the road is to be laid; but the mountains adjacent must furnish the timber to make it, and the water for the use of men and animals employed in its construction, and for the use of the depots afterwards.

It is well for the country over which I passed that these mountains exist, as without them it would be in reality one vast and repulsive desert. It would be a disadvantage for

a railroad to have to cross them, as, although not difficult to cross, it would much increase the expense. But I saw nothing that rendered it at all probable that they would have to be crossed. On the contrary, I am satisfied that a railroad may be run almost mathematically direct from Zuñi to the Colorado, and from thence to the Tejon Pass in California. The section from the Pass to San Francisco should leave the Tular Lake to the west, and should pass through the Coast Range of mountains, say in the neighborhood of San Juan, and thence to San Francisco, and by a branch to Stockton.

The west side of Tular Lake is unfit for a road on account of its miry nature. The section of the route from Zuñi to Albuquerque is plain sailing. That from Albuquerque to Independence to St. Louis, or Memphis, is equally plain, by two or three well known passes through the Sandia Mountains, which lie east of the Rio Grande.

Certain slight deviations from the track which I pursued would improve the route. For instance, it would be better to leave my trail to the north, at a point say 180 miles east of the Sierra Nevada, and intersect it again some fifteen miles west of the Colorado. On the east side of the Colorado the road should pursue a directly eastern course for 75 miles, and thence take an east-south-east course for nearly 200 miles, at the foot and on the south side of the mountain inhabited by the Garrotero Indians. Thence north-east for 15 miles, in a prairie between these mountains and a range of mountains which seem to extend to the Gila. From this point, the road should run easterly to the Colorado Chiquito river, and thence north-east to Zuñi. The distance from the east end of the Garrotero mountain to Zuñi is about 200 miles. This route, as I indicate it, will pass at all times in sight of my trail, and through as practicable a country as any railroad route of the same distance in the United States.

The proposed route by the Sangre de Cristo, north of Taos, I take, if practicable at all, to be very objectionable on account of the vast elevations the road must ascend to and the large quantities of snow which fall and remain there so long during the winter months. This route has also the additional disadvantage of crossing two rivers, the Grand and the Green, either of which would be as costly to bridge as the Colorado.

A route has been somewhat spoken of just north of the Gila, with the view of having a route wholly on American

ground. This, I am satisfied, is altogether out of the question, on account of mountains alone, if no other objection existed. The Gila route proper, passing in part through Sonora, is objectionable on several accounts, besides its situation. In the first place, there is no timber upon the plains, nor upon the volcanic mountains that are along the way. A considerable part of the route, too, lies over a country destitute of vegetation, which, when dry, is a white powder, resembling flour, in which the feet of men and animals sink several inches. This same clay, when wet, is the most treacherous of quagmires. Some parts of the road are also very sandy. Don Ambrosio Armijo, who took sheep to California last year, lost as many as eleven hundred among the sand-hills west of Colorado, by sinking in the sand, and being run over by those behind. Another serious objection to the Gila route is the great desert which lies west of the Colorado, and has an extent of 100 miles without wood or water.

I have no interest in recommending one of these routes more than another. I took sheep and wagons to California last year by the Gila route, and I am about to return that way to California again with sheep. Upon the route which I have just traveled, I encountered many hardships and dangers, and met with serious pecuniary loss; yet I say it is the best for a railroad, and would be excellent for ordinary traveling but for the Indians. A large portion of the trail over which I passed—say some 250 miles west from the Rio Grande—is, for the most part, admirably adapted to farming and stock raising.

APPENDIX II

In the editorial column of its issue of September 26, 1854, *The Missouri Republican* (St. Louis) said:

We publish to-day the traveling notes of MR. AUBREY, taken during his late trip from San Jose to Santa Fe. They contain much valuable information in regard to the nature and resources of the country through which he passed, and they possess a melancholy interest as a record of the last journey which the daring adventurer made.

A good many letters were received yesterday from Santa Fe, all of which make mention, in sorrowful terms of the death of AUBREY. It was an occurrence universally regretted, and the regret seems to have been heightened by the

achievement which he had just accomplished of making the trip from San Jose to Peralta in *twenty-nine* days—not unaccompanied, as has been supposed, but with a company of sixty men, and bringing with them to Peralta a wagon which had been driven the whole distance. We have seen a letter from DR. CONNELLY which states this fact, and it furnishes irrefutable evidence that a Railroad from Albuquerque to San Francisco *is* practicable, and that, as mules and or Peralta, in twenty-nine days, it is by all odds the best route which has yet been discovered for a Railroad to the Pacific. Now take the Southwestern Branch of the Pacific Railroad of Missouri, extend it to the Missouri border, as it has been determined to do, push it to Albuquerque and thence to the Pacific, and we shall be able to make St. Louis the great Central Route for the trade of California and the Indies.

Immediately following is the account of Aubry's death, copied from the *Santa Fe Gazette*; and in column four of the same page are the notes which are here reproduced.

F. X. AUBREY'S JOURNAL

SAN JOSE, CALIFORNIA, July 6th, 1854.

We leave this place to-day for New Mexico, with a party consisting of sixty men, and fitted out at an expense of about fifteen thousand dollars. Judge OTERO, Mr. CHAVIS, and Mr. PEREA, are my companions. The object of the expedition is to locate a Wagon Road from this valley to Albuquerque on the north side of the Gila, in the 35th parallel of latitude, or as near it as practicable.

JULY 22.—To-day we struck the Mohave river, having crossed the Coast Range mountains near San Juan, and the Sierra Nevada at the Tejon Pass. The Pass through the Coast Range is low and easily practicable for a Railroad, wagons can be driven between San Jose and Albuquerque, and it can be continued at the foot of the Coast Mountain to the Sierra Nevada without the least difficulty, as it all level. The land on the west side of the Tulare Lakes is very inferior, and forever uninhabitable. It was oppressively warm; the thermometer marked 112 degrees in the shade.

The Cañon de Uvas (or Grape Pass), is the lowest pass in the Sierra Nevada, and the best for a Railroad, and thence the route should come direct to the Mohave river.

JULY 30.—We arrived to-day at the Great Colorado river, where we struck last year. We came from San Jose to the Sierra Nevada in ten days, and from that mountain to this place in eight days, counting traveling days only. We were delayed in making attempts to find a route to cross this river some fifty miles below this point, but could not succeed. The country south is either filled up with low mountains or sand hills. However, I think a level route can be had by going east to *this c* (not distinct) from a point where the Mohave river turns abruptly to the north-east. But this country is barren and indicates no water. I had intended to pass through it, but Judge Otero objected to it so strongly that I abandoned the project.

We brought our boat on a wagon to this place without the least difficulty, and a rail route can be had with the greatest facility. The country most suitable for a rail or wagon road is to leave the old Spanish trail twelve miles from the Agua Tiomese, and traveling north-east to this place. There is an extensive vegas about forty miles south-west from here, which will be of great advantage to travelers. On this route there is no sand whatever.

The distance from the Cañon de Uvas to this place is less than 300 miles, and the whole distance from San Jose will not quite reach 600 miles.

Also, travelers can reach this crossing by taking the old Spanish trail to the Vegas Callatana, leaving it to the north and traveling twenty-five miles south-east—Springs will be found at half way, with grass in abundance.

Recent observations show that this crossing is very nearly in latitude $35\frac{3}{4}$ degrees, as the Vegas Callatana is in a few minutes less than 36 degrees.

We found the Colorado river some fifteen feet lower than last year, and anticipated no trouble in crossing. The river, as low as it seems, is still navigable for the largest class of steamboats; and this may be the head of navigation, as there is a cañon just above us. This will, no doubt, become a landing for the people of Salt Lake.

JULY 31.—We crossed the Colorado in ten hours, without any loss whatever. Our boat worked admirably, under the management of PEREA and CHAVIS, who are better navigators than any others in the party. We delayed half a day in searching for gold, and without much success. We found some small particles in sand obtained near the river. Our

two miners say that indications are much better in a little mountain near the river which we crossed the next day.

AUGUST 1.—We marched twenty miles southeast, crossed a low mountain where there is a good pass; but there are on this side a number of gullies, from three to fifteen feet deep. Of course they can be easily made level for a rail or wagon road. We struck the Colorado where it turns to the south.

AUGUST 2.—Made fifteen miles east, near our trail of last year. Country level and gravelly; no timber.

AUGUST 4.—We traveled fifty miles southeast yesterday, and to-day in the same level valley, which is well supplied with lakes and spring of good water, and with an abundance of timber on the mountains. There is a *plaze*, or dry lake, in this valley, about twenty-five miles in length and ten miles in width.

This valley or prairie extends all the way to Zuñi, but as it makes a bend to the south, and afterward to the north, we will attempt to find a more direct route to the Del Norte.

It seems that the presence of our large party has created great confusion among the Indians. We found several rancherias they have abandoned, where they left their crops—consisting of water-melons, pumpkins, and a little corn. Also, in some places they left bows, arrows, &c., &c. Our men regret not having an opportunity of bringing punishment upon them for the treatment they extended to us last year. It would be useless for us to follow them, as they have gone into rugged mountains.

AUGUST 5.—We were detained half a day in search of a pass through a high table mountain, and found one entirely level, and one to two hundred yards wide. We traveled two miles north and eight miles east; passed two springs of good water, and plenty of grass and timber.

To-day CHAVIS, PEREA, and a few men, met some Indians, and exchanged a few shots with them.

AUGUST 6.—Marched twenty-five miles over a high, level table land, with great abundance of grass and timber. We saw deer and antelopes, and found rainwater in many places.

AUGUST 7.—Traveled twenty miles over the same level country; found grass, timber, and water in abundance. We

passed during the day, several branches of William's Fork, or Big Sandy, and encamped near the head of the main stream. I went on top of a high peak, and recognized the Garrotero mountains, near our trail of last year.

AUGUST 8.—We started in an eastern direction, and crossed Lieut. WHIPPLE'S trail, after traveling three miles. We continued the same course, and after traveling ten miles we struck heavy and thick timber, of pine, cedar, and piñon, where we were detained hours without being able to get through it; and it is barely possible to pass it on foot. In consequence of this, we went south, and traveled eight miles on Lieut. WHIPPLE'S trail.

AUGUST 9.—We left Lieut. W.'s trail to the north, and proceeded east. We passed near a valley fifteen miles wide, and twenty miles in length; and passed through another about ten miles in length, and seven or eight miles wide. We found several springs of good water, yesterday and to-day.

The whole of this country is well supplied with grass in great abundance, and we saw timber enough to-day to make a thousand miles of railroad; the trees are from one to four feet in diameter, and from one hundred to two hundred and fifty feet high. There are mountains North and South of us covered with timber. We traveled twenty miles East, and fifteen miles North-east. This evening I went on top of a mountain and discovered, from the formation of the country ahead of us, that there is a stream not over twenty-five miles from our camp; it may be the Colorado Chiquito.

10th—We marched twenty-seven miles North-east and struck the Colorado Chiquito. According to one of PEREA'S men, we are opposite the villages of the Moquis. We have so far succeeded most admirably in finding a wagon route to this place; and it is clear sailing from this camp to Zuñi, as the valley of this river may be followed all the way without the least obstacle. The country to-day was level and well supplied with timber and grass. This stream is about twenty yards wide and one and a half feet deep. The valley is narrow, with coarse grass in it, and unfit for cultivation; there are a few small cotton-wood trees along the stream.

We came from the Great Colorado to this place in nine traveling days: distance 225 miles.

11th.—We came to the falls of the Colorado Chiquito after traveling eight miles, and made twenty-two miles in the afternoon. We are traveling up the river in a S. S. E. direction. We discovered to-day that a distance of thirty or forty miles can be avoided by coming directly East from our camp on the 7th inst., and striking the river at this camp. There is a higher mountain covered with fine timber which must be left to the North, and some low hills to the South.

12th.—Marched thirty-five miles East, along the river, where we found wagon tracks, plenty of cotton trees and grass.

13th.—Traveled twenty-five miles East on North side of the river, and two miles near a little creek coming from the East. To-day we went in the hills and found several very large petrified trees, one was six feet in diameter and two hundred and fifty feet in length.

This morning we saw the Sierra Blanca and recognized other mountains on my trail of last year.

14th.—Marched twenty-five miles East over a level country, with gravelly soil, good grass and some Cedar and Piñon. We are about fifteen miles North of the Colorado Chiquito.

16th.—Traveled twelve miles East and struck my trail of last year thirty-five miles from Zuñi, which we will pursue to that place, and travel the wagon road to the Del Norte.

PROBLEMS IN THE EARLY ECCLESIASTICAL HISTORY OF NEW MEXICO

FRANCE SCHOLES

THIS paper will deal with two problems of early ecclesiastical history and organization in New Mexico, 1598-1630, viz., the date of the founding of the "Custodia de la Conversión de San Pablo del Nuevo México," and the chronology of the early custodians or prelates.

The author has been prompted to make this re-examination of these problems because of the accumulation of new documentary evidence on the early history of New Mexico, which has been made available during recent years by the labors of several students. Professor George P. Hammond has made known a mass of material on the Oñate period not printed in the Pacheco-Cárdenas¹ and Bandelier-Hackett² series. Professor L. B. Bloom's researches in the archives of Spain, especially in the papers of the Sección de Contaduría in the Archivo General de Indias in Seville, have made possible the building up of a sounder chronology of New Mexico in the seventeenth century. From the Propaganda Fide in Rome have come the unpublished 1634 *Memorial* of Fray Alonso de Benavides and relate papers.³ The author of this paper has devoted most of his efforts to the papers of the Inquisition in the Mexican National Archive and to the remnants of the archive of the Convento Grande de San Francisco de México that are now in the National Library in Mexico.⁴

1. *Colección de documentos inéditos relativos al descubrimiento conquista y colonización de las posesiones españolas en America y Oceanía.* (Madrid, 1864-84) 42 vols.

2. *Historical Documents Relating to New Mexico, Nueva Vizcaya, and Approaches Thereto, to 1773.* (Washington, 1923-26.) 2 vols.

3. Some of these papers from the Propaganda Fide are described in a pamphlet by Rev. Thomas P. O'Rourke, C. S. B., Ph. D., *A Study of the "Memorial" of Fray Alonso de Benavides.*

4. For reference to the library and archive of the Convento Grande de San Francisco, see Felipe Teixidor, *Ex Libris y Bibliotecas de Mexico*, (Mexico, 1931).

Reference is made finally to Fray Francisco Antonio de la Rosa Figueroa's *Bezerro General Menológico y Chronológico*, a manuscript in the Ayer Collection of the Newberry Library in Chicago.⁵ Rosa Figueroa was librarian of the Convento Grande de San Francisco de México and archivist for the Franciscan Province of the Santo Evangelio,⁶ and as such had access to the papers of the Order. This manuscript contains lists of friars that had served in the Province of the Santo Evangelio, together with information concerning their country or province of origin, date of profession, and such other information as the editor-author thought was valuable. In these lists are the names of the prelates of New Mexico, and in some instances very valuable details concerning their services in the Order are added. The manuscript is not "new," but it has not been used to the fullest extent possible by students of Franciscan history in New Spain.

The information which is found in this accumulation of unpublished materials has been supplemented by such evidence as is found (1) in the well known published works of ecclesiastical historians of New Spain, such as Mendieta, Torquemada, Vetancurt, and others, and (2) in the pub-

Monografías Bibliográficas Mexicanas, num. 20, pp. 379 *et seq.* These papers are of the highest value for the history of the Franciscans in the Southwest. Most of the New Mexico materials have been reproduced in photostat for the Library of Congress. The Texas and Northern Mexico materials have been reproduced by Carlos E. Castañeda, librarian of the Latin American Collection of the library of the University of Texas. A legajo on California and a volume of Serra letters have been reproduced in photostat for the Library of Congress.

5. The full title of the manuscript is: *Bezerro General Menológico y Chronológico de todos los Religiosos que de las tres Parcialidades conviene a saber Padres de España, Hijos de Provincia, y Criollos, ha Avido en esta St. Prova. del Sto. Evango. desde su fundacion hasta el preste, año de 1764 y de todos los prelados assi nros. M. Rdos. PP. Comisarios como Rdos. PP. Provinciales que la han gobernado. Dispuesto y elaborado con la possible prolixidad y claridad por Fr. Franco. Antonio de la Rosa Figueroa, Predr. gl. Notario Appco. Noito. y Revisor por el Sto. Offo. Archivero de esta Sta. Prova. y Bibliothecario en este Convento de Mexico.* The manuscript as it now exists in the Ayer collection seems to be incomplete, and is probably only part one of the projected work. In the Bancroft Library, University of California, there is a manuscript with similar title and with Rosa Figueroa as the author. Whether this is part two of the manuscript or a copy of part one, I have not been able to ascertain.

6. For bibliographic note on Rosa Figueroa, see Beristain, *Biblioteca Hispano-Americano Septentrional*, (2a ed., Amecameca, 1883), Tomo III, pp. 67, 68.

lished sources and secondary works dealing with the general Franciscan history and organization in the late sixteenth and early seventeenth centuries.⁷

II.

The ecclesiastical history of New Mexico during the Spanish period is essentially the history of the Franciscan missions established by the Order of Friars Minor. It will not be out of place, therefore, to digress for a moment in order to sum up the general form of government and organization of the Order as a whole, before discussing the special problems of Franciscan history in New Mexico.⁸

The unit of administration was the convent where a group of friars lived under the guidance of a guardian. These units were not independent establishments as were the houses of some of the other Orders; instead, a group of convents in a given area was organized into a province governed by a Provincial, a standing committee of Definitors, and the provincial chapter which met periodically and which elected the Provincial and Definitors. Over the entire Order, comprising all the provinces, was the Minister-

7. The sources include the *Annales Minorum*, volumes xxiii-xxv, edited by Cerreto and Fermendzin. (Ancona and Quaracchi, 1859-1886); De Gubernatis, *Orbis Seraphicus* (Rome and Lyons, 1682-89), 5 vols.; and a number of separately printed rules and statutes for the Order as a whole and for some of the provinces in New Spain for the sixteenth and seventeenth centuries. This last group of printed rules and statutes I used in the National Library, Mexico City, which has a rich collection of books of this sort. A list of these may be found in Vigil's *Catálogos de la Biblioteca Nacional*, 4a Division, *Jurisprudencia*, (Mexico, 1908.) The most useful of these for this study were: *Estatutos Generales de Barcelona . . . ultimamente reconocidos y con mejor método dispuesto en la congregación general celebrada en la Ciudad de Segouia el año Señor de 1621 . . .* (Madrid, 1622; Sevilla, 1634); *Tabula et constitutiones celeberrimi capituli generalis totius Ordinis minorum celebrati in conventu Sancti Joannis Regum Toleti*. (Matriti, 1633); *Constituciones y Leyes Municipales de la Provincia del S. Evangelio de Mexico*. (Mexico, 1667). One of the books listed in Vigil's catalogue is *Constituciones de la Provincia del Santo Evangelio, hechas en el capítulo provincial celebrado en Xochimilco, en 1614, y reformadas en el celebrado en México en 1640*, (México, 1640). This book might have been invaluable. Although I asked for it on several occasions, it could never be found on the shelves!

8. Description of Franciscan organization may be found in numerous books. The book which I have found most useful for all phases of general Franciscan history and organization in relation to the present study is P. Dr. Heribert Holzapfel, *Handbuch de Geschichte des Franziskanerordens*. (Freiburg, 1909).

General, elected by the general chapter. In the course of time, with the growth of the Order, the European provinces had been divided into two groups or families, the Cismontane and the Ultramontane. From the sixteenth century onward the Minister-General was elected alternately from one family and then the other, and a Commissary-General was elected to represent the family not represented by the Minister-General.⁹ The discovery of the new world and the founding of new Franciscan establishments both in America and in the Orient greatly extended the business and organization of the Order. To assist in the administration of Franciscan affairs in the Spanish colonies a Commissary-General for the Indies was appointed to reside in Madrid, and to have general supervision over all the Franciscan provinces in the Spanish Indies, subject to the Minister-General of the Order. Then, within the Americas, two lesser Commissaries-General were appointed, one for New Spain and another for Peru.¹⁰

In this brief outline of Franciscan organization no mention has been made of the *custodia*, which is the unit or area most important for this present study. The *custodia* may be described as an administrative area which did not have the status of a full-fledged province. In some cases a *custodia* was subject directly to one of the higher prelates of the Order, but most of the *custodias* were parts of and subject to a regularly constituted province. In the latter case a *custodia* was a semi-independent area, autonomous and self-governing in local affairs, but still subject to the general control of the province of which it formed a part. The *custodia* had its own chapter, its own Definitors, and its

9. Holzapfel, *ibid.*, pp. 171-205, 422-461, contains a good outline of Franciscan organization, both before and after the year 1517 which was a landmark in Franciscan history and organization.

10. The Spanish Crown had been granted the patronage over the American church, and the Commissary-General of the Indies, both in his appointment and in his management of Franciscan affairs in the Indies, was subordinated to the general theory and practice of the patronage. For a discussion of these questions, see Porras, *Gobierno de los Regulares de la América*, Tomo I, (Madrid, 1783). Also Holzapfel, *op. cit.*, pp. 437-447, and *Estatutos Generales de Barcelona . . .* (Madrid, 1622), section entitled, "Estatutos generales para los frayles de las Indias."

own local prelate who had the title of Custodian (Lat. *custos*, Span. *custodio*). Sometimes a province had more than one of these areas within its boundaries.^{10a}

The normal process of development was for the *custodias* to develop into full-fledged provinces, and in the sixteenth century there were few of them remaining in the Old World. But in the New World, new *custodias* came into existence along with the expansion of Franciscan enterprise there. A brief review of the development of Franciscan organization in New Spain will indicate more clearly the nature and significance of these units or areas of Franciscan administration.

III.

The success of the Cortés expedition, culminating in the military conquest of Tenochtitlán in 1521, opened the way for the spiritual conquest of Mexico. The Spanish government at an early date gave serious consideration to the general policy to be followed in effecting the conversion of this new possession. Inasmuch as the Mendicant Orders, especially the Franciscans, were to be used in initiating the missionary labors among the Indians, the papacy was asked to extend to America the privileges and concessions that had been granted on former occasions to friars going out to labor in heathen lands. In two bulls, the *Alias felicis* of Leo X, April 25, 1521, and the famous *Exponi nobis* of Adrian VI, May 10, 1522,¹¹ the friars, especially the Franciscans, were given full liberty to undertake the work of evangelization in the Indies, and were granted numerous privileges and concessions, including the right freely to preach and baptize, to administer certain of the sacraments, and, under certain circumstances, their prelates could ex-

10a. Brief statements concerning the *custodias* and their organization are found in Holzapfel, *op cit.*, bk. I, sec. 38, "Kustos und Kustodie-Kapital"; and in *Catholic Encyclopedia*, article "Custos."

11. The text of these bulls may be found in Mendieta, *Historia Eclesiástica Indiana* (Mexico, 1870), pp. 188-93, and in Hernáez, *Colección de Bulas, Breves, y otros Documentos relativos a la Iglesia de América y Filipinas* (Bruselas, 1879), I, pp. 378-79, 385-86.

ercise quasi-episcopal powers, such as confirmation, the conferring of minor orders, consecration of ecclesiastical buildings and ornaments, issuing of indulgences, and dispensing in certain matrimonial cases. The bull *Exponi nobis* contained the famous statement that these powers were to be exercised by the prelates in areas where there were no bishops, or two days (*dietae*) from a bishopric, and that such prelates were to have *omnimodam auctoritatem nostram in utroque foro*.¹²

These grants of privilege and authority made possible full development of the opportunity for conversion of the Indians by the Mendicant Orders. In 1523 a group of Franciscans was chosen for the mission, and Fray Martín de Valencia was chosen to serve as prelate of the group. The Minister-General of the Order, Fray Francisco de los Angeles, or de Quiñones,¹³ gave them their instructions. These instructions are important as a point of departure for the history of Franciscan organization in Mexico and Central America.¹⁴

The instructions provided, first, that Fray Martín de Valencia, leader of the mission, should be called "Custodian of the Custodia of the Santo Evangelio," and that all of the friars being sent with him, or to be sent later, should be subject to his authority, or to that of his successors. As Cus-

12. In 1533 Paul II, in the bull *Alias felicis*, confirmed these earlier concessions and abolished the two day limitation. Mendieta, *ibid.*, pp. 195, 196, and Hernández, *ibid.*, I, pp. 390-91. The exact nature of the authority granted to the prelates of the friars, within the meaning of the phrase *Omnimodam auctoritatem nostram in utroque foro*, is a difficult problem. The friars naturally tried to place a broad interpretation on such phraseology, whereas the bishops endeavored to limit in the narrowest possible manner the powers thus granted. Another problem which was a matter of much controversy had to do with the limitations placed on these earlier concessions by later bulls and by the decrees of the Council of Trent. It is not possible to discuss these problems in this paper.

13. Fray Francisco de los Angeles together with another Franciscan, Fray Juan de Clapión, had hoped to take part in the first formal Franciscan mission to Mexico, and the bull *Alias felicis* of Leo X had been addressed to them. But their plans could not be carried out, for Fray Clapión died, and at the general chapter of the Order, meeting in 1523, Fray Francisco de los Angeles was elected Minister-General. Plans for the mission were pushed forward, however, the group was organized with Fray Valencia as prelate, and its instructions were given by Fray Francisco de los Angeles who had hoped to be a member of the mission.

14. The instructions are in Mendieta, *op. cit.*, pp. 200-206.

todians, he and his successors were to be subject immediately to the authority of the Minister-General. To the said Custodian the Minister-General delegated all his power *in utroque foro*, both ordinary and delegated—that is, the authority which he enjoyed by virtue of his office as Minister-General and that delegated to him by papal decree. Two exceptions to this grant of authority were made: the power of receiving women into the Order of Santa Clara, and the authority to absolve offenses which by their nature involved excommunication by the Minister-General. All of the friars were instructed to recognize Fray Valencia as Custodian, and to obey him in all matters in which, under the Rule, they would be accustomed to obey the Minister-General and other Prelates of the Order. In case of death of the Custodian or of the expiration of his triennium, the friars of the custodia were to elect a successor who would *ipso facto* be confirmed and recognized as Custodian. Finally, whenever two or more friars were to be sent into the field from headquarters, one of them must be made prelate of the group.

Such are the essential points in the instructions that are pertinent to the present study. Fray Valencia and his associates finally embarked from San Lucar on Jan. 25, 1524, and arrived at Vera Cruz on May 13.¹⁵ They were received in Mexico City with great devotion and courtesy by Cortés and his associates. Very shortly they were joined by five other friars already in Mexico, including the three Flemish Franciscans of whom Fray Pedro de Gante is most famous, and the entire group held the first chapter of the Custodia of the Santo Evangelio. Fray Martín de Valencia had resigned his office as Custodian, but the chapter re-elected him. With the organization of the custodia effected, the friars were ready to begin active missionary labors, and groups of four each were sent out to Tezcoco, Tlascala,

15. Medieta, *op. cit.*, pp. 207-208.

and Guaxozingo, while the Custodian and another group of four remained in Mexico City.¹⁶

Thus formal missionary government and enterprise was set on foot in 1524. During the succeeding years the friars, reinforced by new groups of workers sent from Spain, began to push farther and farther into the outlying areas. Groups were sent out to Michoacán, Yucatán, Tampico (Huasteca), Nueva Vizcaya, and other parts of New Spain where they initiated the work of conversion, built churches and convents, and founded the Church on a solid basis. In each of these cases the missionaries were dispatched under the authority of the Custodia, or (after 1535) the Province, of the Santo Evangelio. Some one of each group was appointed to be prelate or leader in accordance with the Minister-General's instructions. The title of this person, as indicated in the documents and histories, varied. The terms "presidente," "caudillo," and "comisario" are all used, but probably "comisario" is the most common. The group was, however, directly subject to the prelate of the mother unit and the convents that were established were regarded as integral parts of it.

But this expansion of the missions brought the need for a more elaborate organization. The first step was taken in 1535 when the general chapter at Nice erected the Custodia of the Santo Evangelio into a full-fledged province.¹⁷ The same year the convents in Michoacán were erected into a custodia. The need for granting this measure of local autonomy to the Michoacán missions is well summed up in Torquemada (elaborating on Mendieta), and his statement bears witness to the practical reasons that usually prompted the erection of a mission area into a custodia. He says:

Fueron Casas sujetas a esta Provincia de Mexico las de aquel Reino de Mechoacan desde el Año de 25 hasta el de 35, en el aquel Año fue erigida y levantada en Custodia, y fue la primera que engendró esta Religiosísima Provincia

16. Mendieta, *op. cit.*, pp. 210-216.

17. Vetancurt, *Crónica* (Mexico, 1697), p. 24.

del Santo Evangelio: porque este mismo Año tomó esta del Evangelio, Titulo de Provincia; y haciendose Provincia, quedó Mechoacan por Custodia: que hasta este Año esta de Mexico y aquella de Mechoacan, todo era una Custodia; los Guardianes de aquellas Casas se congregaban a Capítulo con los de estotras, donde quiera que se celebraba. Pero erigida en Provincia esta del Santo Evangelio, pareció a los Padres Congregados, ser de mucho trabajo y dificultad venir a los Capítulos de la Provincia, los de aquel Reino, en especial, que venian de pie, y eran muchas las Leguas: por lo qual ordenaron que se hiciese Custodia, con concierto que hubo, de que de los Frailes que viniessen de España a ayudar a la Conversión, les diessen a los de Mechoacan la tercia parte de ellos.¹⁸

In short, circumstances required that the new outlying mission areas should have some kind of formal local organization. The increase in local mission business and details of organization demanded it, and the distance which separated these areas from headquarters in Mexico City not only made it more and more difficult to transact business in an orderly way, but placed heavy burdens of travel on the friars in the outlying areas whenever summoned to provincial chapter. Moreover, visitation and control of the outlying convents by the provincial prelate was also a difficult task.¹⁹ The usual method of meeting these problems was to erect these new areas into custodiae with their own local organization and local officers, but remaining subject to the general supervision of the mother province. The number of convents required for a custodia varied according to circumstance. Yucatán became a custodia with only

18. *Monarchia Indiana* (ed. 1723), III, p. 333.

19. The factor of distance in forcing a change is indicated by statements of Torquemada in relation to Yucatán and Tampico. He states concerning Yucatán: ". . . y alcanó de el P. Fr. Francisco de Bustamente, que á lo saçon era Comisario General de todas las Indias, que aquellas dos Casas [Mérida and Campeche], por estar tan remotas, se hiciessen Custodia por sí." *Ibid.*, III, 337. In the case of Tampico, he says, "Fundo algunas Casas en Tampico, y otras partes, las quales llegaron a numero de siete, y por estar tan remotas y apartadas, para poder ser visitadas de los Prelados Ordinarios de esta Provincia del Santo Evangelio, se erigió en Custodia." *Ibid.*, III, 347-48.

two convents;²⁰ the Custodia of San Diego of the Barefoot Friars had five;²¹ Tampico had seven.²²

Thus one by one the outlying areas became custodiae; Michoacán in 1535, Yucatán in 1549,²³ etc. In most cases, however, the custodia was only a transition stage in Franciscan organization in New Spain as in Europe—the stage between full dependence on the mother province and full independence. One by one most of the custodiae in New Spain reached full provincial status: Michoacán in 1565, Yucatán in 1559, Guatemala in 1565,²⁴ etc. These changes were made possible by, and were recognition of, at least two factors: (1) an increasing number of convents and friars sufficient to warrant full provincial status;²⁵ and (2) proper provision for the teaching and training of novices.

The formal erection of a province was by vote of the general chapter. The general chapter also confirmed the erection of custodiae, but it appears that original action in the case of a custodia could be taken by the superior prelates of New Spain, the Commissary-General of New Spain and the Provincial of the Province of the Santo Evangelio.²⁶

Two of the custodiae that were established, subject to the general supervision of the Province of the Santo Evangelio, did not attain full provincial status. These were the Custodiae of Tampico and New Mexico. Both had convents enough to warrant the erection of provinces, and there is evidence that at the general chapter meeting at Toledo in

20. *Ibid.*, III, 337.

21. Medina, *Crónica de San Diego*, f. 35v.

22. Torquemada, *op. cit.*, III, 347-48.

23. *Ibid.*, III, pp. 333, 337.

24. *Ibid.*, III, pp. 333, 337, 3339. Vetancurt, *Crónica*, p. 24.

25. The number of convents required for a province seems also to have varied. Medina, *Crónica de San Diego*, ff. 39v-44, denounces the notion that twelve were required. The province of San Diego, Barefoot Friars, became a province with seven convents, and he casts doubt on the point of view that a special dispensation was necessary in this case. It is easy to understand that a special favor may have been shown in this case, for this was the only unit of Barefoot Friars in New Spain; moreover, the Custodia de San Diego, prior to its erection into a province, was subject to the Province of San Gregorio in Manila.

26. Yucatán was erected into a custodia on the initiative of the Commissary-General of New Spain. Torquemada, *op. cit.*, III, 337. The Custodia of San Diego was created, subject to approval of the higher authorities. Medina, *op. cit.*, f. 35v.

1645 there was discussion of such action. Lack of schools and adequate training for novices and danger from Indian attacks are the reasons given for failure of these areas to become provinces.²⁷

The Custodia of New Mexico remained under the control of the Province of the Santo Evangelio down to the end of the Spanish period. In fact, the control exercised by the Province, at least in the seventeenth and early eighteenth centuries, remained more extensive than that normally exercised over other custodias. The election of a Custodian was ordinarily in the hands of the local custodial chapter; except that, in those cases where the number of friars in a custodia was not regarded as large enough to warrant that procedure, the Custodian was elected by the central authorities of the mother province. In the case of New Mexico, despite the fact that after 1631 the number of friars in the custodia was sometimes as large as sixty-six, the election always remained in the hands of the authorities of the Province of the Santo Evangelio.^{27a} A summary rec-

27. Vetancurt states that the general chapter in 1645 took some action looking to the creation of a province by uniting the Custodias of Rio Verde (at that time subject directly to the Commissary-General of New Spain) and Tampico. "Y por no poder tener noviciado ni casas de estudios . . . no tuvo execución." *Crónica*, p. 91. As a matter of fact, the general chapter united the Custodia of Rio Verde with Province of Zacatecas. De Gubernatis, *Orbis Seraphicus*, IV, p. 118. Fray Joaquín de Izarbe, provincial of the Province of the Santo Evangelio, in an *informe* addressed to D. Manuel Antonio Flores, president of the Audiencia of Mexico, Dec. 21, 1787, discussed the status of the Custodias of Tampico and New Mexico and the northern frontier missions and said: "En una y otra pensó no pocas veces la Prova. del Sto. Evangelio, y aun el mismo capítulo General Franciscano, celebrado en Toledo el año de 1645, establecer Provincial, y formar un cuerpo de Provincia. Pero las incursiones repetidas de las Bárbaras, y sus frecuentes saqueos en las Misiones con la intemperie de los climas pa. los Estudios, dejaron ineficaces aquellos sanos arbitrios, que no dejarían de ser útiles, si fueron superables los inconvenientes." The *informe* is in *Documentos para la historia de Mexico, Misiones*, MS., Bancroft Library.

27a. I have used the phrase "authorities of the Province of the Santo Evangelio" because it is not clear whether the election always remained in the hands of the Provincial and Definitors, as was the case early in the seventeenth century, or whether it later was vested in the provincial chapter. The document which gives us most of the information on this point (see note 28) states, in the case of the later elections of the seventeenth and early eighteenth centuries, that the such and such friars were "Instituted" as Custodian "in the chapter." I cannot be sure whether this means that the chapter itself controlled the election or whether the Provincial and Definitors made the election at the time of meeting of the chapter.

ord exists of most of the elections from 1623 to 1755,²⁸ and there is not a single instance of election by the local custodial chapter in New Mexico in that period.

The Custodians were sometimes friars who had never served in New Mexico prior to their election and sometimes friars who had seen years of service in the Custodia. The powers exercised by the Custodian in New Mexico were wide. He was chief and leader of all the friars, directed their activities, and represented them in all their relations with the State. In fact, the Custodian enjoyed, in relation to the custodia, the same authority that the Provincials enjoyed in their provinces.²⁹ Besides, the Custodian was prelate of the entire community, civil and ecclesiastical, for no bishop exercised active authority over New Mexico prior to the first quarter of the eighteenth century. The Custodian, therefore, enjoyed quasi-episcopal powers, as granted by the bulls of Leo X, Adrian VI, and Paul III. To him the non-aboriginal members of the community paid tithes.³⁰ He was ecclesiastical judge ordinary for the entire province, and records of trials of laymen by the Custodian, or his delegates, for ecclesiastical offenses have been preserved. Finally, the Custodian was sometimes Commissary of the Inquisition, with authority to investigate error and heresy. Such a wide variety of authority gave the Custodian great influence; in fact, except for the civil governor of the province, the Custodian was the most powerful personage in New Mexico, and, in some cases, he was in reality more influential than the governor.

28. This record is a document entitled *Custodios de Nuevo Mexico sacados de los Libros de Decretos de la Provincia principiando por el que empezo año de 1623 . . .* Biblioteca Nacional, Mexico, Legajo Series, Leg. 9, doc. 8. The compiler was Rosa Figueroa, the compiler of the *Bezerro General*.

29. "Declárase que los Prelados Custodios en sus distritos y Custodias tienen consimil autoridad regular que los Prelados Provinciales en sus Provincias, sin limitación alguna si no es la que expresamente pusiere esta Provincia por su Discretorio y Diffinitorio pleno." *Constituciones y leyes municipales de esta Provincia del S. Evangelio . . .* (Mexico, 1667).

30. Vetancurt, *Crónica*, p. 96.

IV.

When was the Custodia of New Mexico established? The answer to that question depends very largely upon the proper interpretation of the term Custodian (Lat., *custos*, Span., *custodio*) as used in the sources and secondary materials. It has been indicated above that the term was used to designate the prelate of a custodia, but it must be pointed out, however, that it had a more general use than that in the Franciscan Order. "Saint Francis sometimes applied the word to any superior in the order—guardians, provincials, and even to the general (See Rule, IV and VIII, and Testament)."³¹ In the later history of the Order it had a variety of use. One important use was that already indicated, i. e., to designate the prelate of a custodia. In the beginning all of the Custodians of the custodiae in a given province had the right to attend the general chapter with the Provincial; but in the course of time it was decreed that the several Custodians should elect one of their number to accompany the Provincial. "The *custos* thus chosen was called *Custos custodum*, or, among the Observantines until the time of Leo X (Ite et vos, Bull. Rom. V, 694), *discretus discretorum*."³² After the disappearance of most of the custodiae, the custom of sending a Custodian to accompany the Provincial to general chapter was continued, even in provinces having no more custodiae, and the person chosen was called "Custodian for the General Chapter."³³ Finally, in modern Franciscan organization the term is still used, but in different ways by the Capuchins and Friars Minor.³⁴ Thus the title did not always signify a person who was prelate of a custodia, and it is necessary, therefore, to use some care in interpreting the significance of the term when found in the documents. The real point at issue, of course, is the

31. *Catholic Encyclopedia*, art., "Custos."

32. *Ibid.*

33. See *Estatutos generales de Barcelona*, section entitled, "De los Custodios para el Capitulo General"; or the same in Latin text in *De Gubernatis, Orbis Seraphicus*, III, pp. 671-672, "De Custodibus ad Capitulum Generale Mittendis."

34. *Catholic Encyclopedia*, art. "Custos."

significance of the term when used to designate a person known to be a prelate of a new, frontier, mission area.

It was pointed out above that when Franciscans were sent out into a new and unorganized area from headquarters in Mexico City one of the group was appointed prelate of the group, and that various terms, such as "presidente," "caudillo," and "comisario," are found in the histories and documents to designate such persons. In the case of New Mexico, "comisario" (Eng., commissary) is the term used to designate these earliest prelates, and it will be useful to discuss the general and special use of this term. In its general sense it indicated a person who exercised certain powers or executed a mission (*comisión*) on behalf of, or on the authority of, some other person. That is, the authority of a Commissary was essentially *delegated* authority. Thus we have the title "Commissary of the Holy Office of the Inquisition," which designated a person who served as agent or representative, within a certain area, of some Tribunal of the Holy Office and who possessed certain powers granted or delegated to him by that Tribunal to investigate cases of heresy and error. The term was also used sometimes to designate a person acting as chief or leader of a group on appointment of some superior. Thus we find it used to designate the leader or responsible chief of a group of soldiers; or the leader of a group of friars on a journey from one area to another. Finally, we come to its use to designate the leader or prelate of a group of friars laboring in a new, unorganized, mission area, and it was in this sense that it was used to designate the earliest prelates of the New Mexican missions. The Commissary of such a group of friars was leader of the group, responsible for its labors, and possessed certain powers as agent or representative of a superior prelate who had appointed him. If the missionary enterprise started by this group of friars prospered, churches and convents would be built and more friars sent out. The expanding business of the missions, or the distance from headquarters, or both, would sooner or later

create the need for a greater amount of local autonomy, and to meet this need the mission area would be set up as a custodia, and the prelate of the newly created custodia would have the title of Custodian instead of Commissary.

Now the point at issue is whether the title of Custodian could be given to the prelate of such a frontier mission area before it actually became a custodia. There is an interesting passage in Cogolludo's *Historia de Yucatán* that is pertinent to this discussion. Cogolludo is discussing the coming of Fray Luis de Villalpando and his associates to Yucatán in 1546, and he refers to a statement in Lizana's *Historia de Yucatán* to the effect that Villalpando at that time had been given the title of Custodian. Cogolludo insists that Lizana must have been mistaken because the Custodia of Yucatán was founded only in 1549, and that prior to that date Villalpando had only the title of Commissary.³⁵ An examination of Lizana's own account of these years reveals that Lizana himself usually used the term Commissary to designate Villalpando. The notable exception is the statement to which Cogolludo referred.³⁶

If we can generalize from this point made by Cogolludo, then it may be said that the term Custodian was not justified to designate the prelate of a new mission area, subject to some mother province, as was Yucatán to the Province of the Santo Evangelio prior to 1559, unless that area had been erected into a custodia. This does not mean that the term was never used incorrectly, but repeated use of the term in a variety of *contemporary* sources to designate the prelate of a new mission area would seem to warrant the supposition that the area in question was actually a custodia.

35. After reviewing the facts in the case, Cogolludo concludes: "Pos esto juzgo vino solamente con título de comisario." *Historia de Yucatán*, (3d. ed., Merida, 1867), 392. Then discussing the founding of the Custodia in 1549, he says: ". . . y salió electo en custodia el V. varón Fr. Luís de Villalpando, que hasta entonces había sido comisario, no mas." *Ibid.*, p. 433.

36. Lizana, *Historia de Yucatán*, (2d ed., Mexico, 1893), ff. 43v-57.

The difference between a custodia and the earlier form of local mission organization, and the difference between the authority of a Commissary and a Custodian are difficult to define exactly. The erection of a custodia seemed to be definite recognition of the success and permanence of missionary enterprise in a given area. It gave the area local government and autonomy, and an appropriate set of officers. The authority exercised by a Commissary was similar in many respects to that exercised by a Custodian. The Custodian was, however, subject to less direction from outside. His powers were wider. His authority was not essentially *delegated* authority as was that of a Commissary; on the contrary, his was *ordinary* authority, i. e., derived from the office itself. Finally, the Custodian, at the end of his term of office, received certain privileges of honor and precedence in the custodia and province, according to the local statutes.³⁷

If we apply the conclusion of the foregoing discussion, it is apparent that the use of these two terms—Commissary and Custodian—in the contemporary histories and documents to designate the prelates of New Mexico is of paramount importance in fixing the date of the founding of the Custodia of New Mexico. The date when the change in terminology occurred furnishes a clue to be checked by other evidence.

V.

Attention is directed, first of all, to the fact that both Vetancurt and Rosa Figueroa use the term Custodian to designate some of the earliest prelates, even of the Oñate

37. As further illustration of the use of the term Commissary, it may be noted that in New Mexico we have the term used *after the erection of the Custodia* to designate the leader of a group of friars being sent out from the main New Mexico mission area to labor among tribes on the frontier of New Mexico. For example, in 1638 friars were sent to the country of the Ipotlapiguas southwest of Zuñi, and we find Fray Antonio Arteaga named as *Commissary* of the group by appointment from Fray Juan de Salas, the *Custodian*. *Del P. fr. esteuan de Perea . . . con una ynformon. contra Don luis de Rosas . . .* 1638. A. G. P. M., *Inquisición*, tomo 385. Similar examples are found in the case of the leaders of the mission to the Jumanos in 1629 and of the mission to the Mansos in the 1650's and 1660's. These examples of the use of the term confirm the main points in the argument above.

period. Vetancurt uses it for Fray Juan de Escalona, Fray Francisco de Escobar, and Fray Alonso Peinado. In the case of Escobar the title is "Custodian and Commissary."³⁸ Likewise, Rosa Figueroa in the *Bezzero General*, gives the title of Custodian to Escobar and Peinado.³⁹ This use of the term Custodian for these early prelates is interesting but not convincing, and can not be regarded as proof of the erection of the Custodia in Peinado's time or earlier (1609 et ante). Both Vetancurt and Rosa Figueroa had access to the Franciscan archives, it is true, but both of them wrote long after the events herein discussed. It is probable that both of them being accustomed to the use of the term Custodian to designate the prelates of New Mexico in their own times, applied it to earlier prelates who did not have the title.⁴⁰

Let us review the contemporary sources and histories for the events of New Mexico, 1598 to 1630, and check up on the titles used for the prelates in such materials. It will be recalled that when Oñate was making preparation for

38. *Crónica*, pp. 95, 96, as follows:

(a) ". . . el año de 1604 fue el V. P. Fr. Juan de Escalona con algunos Religiosos."

(b) "El año siguiente fue el P. Fr. Francisco de Escobar por Custodio y Comisario Apostólico con seis Religiosos," etc.

(c) "El año de 1608, convertidos mas de ocho mil personas, . . . y fue por Custodio el P. Fr. Alonso Peinado." etc.

39. In the case of Escobar, there is only this short comment: "Fue Cust. del Nuevo Mexco." Page 120. In the case of Peinado: "Varon Appco. fue de los primeros Custodios de Nuevo Mexco. murio con opinion de Santidad no dizen los cronistas en q año." Page 220.

40. Rosa Figueroa states that in his day (1750's and 1760's) the extant books of decrees (*Libros de Decretos*) of the Province of the Santo Evangelio did not go back of the year 1623, and he laments the fact because it was difficult for him to be sure of his facts for the period prior to that date. Thus, his statements regarding persons prior to that date had to be taken from sources that were not so trustworthy. For the earlier period (prior to 1623) he used a variety of sources, such as Torquemada and Vetancurt, and certain manuscripts. *Bezzero General*, pp. 3 et seq. His use of the term Custodian for Escobar and Peinado may have been, therefore, merely a repetition of what he found in Vetancurt. It is true that Vetancurt wrote some sixty-five or seventy years prior to Rosa Figueroa and may have had use of materials not extant later. On the other hand, it must be noted that Vetancurt made mistakes, such as his statement that Fray Tomás Manso was Custodian in 1629, a statement which Rosa Figueroa corrects. In any case Vetancurt wrote long after the events he described and we must check his use of terms by what we find in the contemporary sources.

the expedition to New Mexico a group of friars was chosen to accompany him. Fray Rodrigo Durán was appointed prelate of the group, but before the expedition departed Durán was replaced by Fray Alonso Martínez. Durán and Martínez are spoken of as "Commissary" in Villagrà,⁴¹ in Torquemada,⁴² and in the documents of the Pacheco-Cárdenas series.⁴³ In 1599 Fray Martínez returned to Mexico and somewhat later Fray Juan de Escalona was appointed in his place. He, in turn, was succeeded by Fray Francisco de Escobar.⁴⁴ Both Escalona and Escobar are called "Commissary" in Torquemada⁴⁵ and in the manuscripts.⁴⁶ In 1609, after the Viceroy had definitely decided to maintain New Mexico as a mission province, Fray Alonso Peinado

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41. *Historia del Nuevo Mexico*, (Mexico, 1900, Vol. I, as follows:
 (a) "Por cuja justa causa fue nombrado por Comisario y Delgado. . . Fray Rodrigo Duran, varon prudente."
 canto séptimo.
 (b) "Fray Alonso Martinez, Comisario Apostólico," etc., in the reply to Oñate's questionnaire on the Ácoma war.
42. *Monarchia Indiana*. (ed. 1723), I, as follows:
 (a) ". . . y nombró por Comisario de los que avian de ir, al Padre Frai Rodrigo Duran," etc. Page 671.
 (b) ". . . y fue nombrado Frai Alonso Martínez por nuevo Comisario," etc. Page 672.
43. (a) ". . . Reverendísimo Padre Fray Alonso Martínez, Comisario Apostólico," in *Traslado de la Posesion que tomó*," etc. *Don Juan Oñate*. Tomo XVI, p. 97. Same is in Villagrà.
 (b) "El reverendísimo Padre Fray Alonso Martinez, Comisario apostólico de Su Santidad," etc., in *Obediencia y vassalje*. *Ibid.*, p. 102.
 (c) ". . . Padre Comissario Apostólico, llamado Fray Alonso Martínez," *Discurso de las Jornadas*. *Ibid.*, p. 256.
44. In this list of Commissaries I have not included Fray Francisco de Velasco, for, although he is mentioned as Commissary by both Villagrà and Torquemada, the references are so ambiguous that it is diácult to use them.
45. *Monarchia Indiana* I:
 (a) ". . . el Santo Comisario Frai Juan de Escalona," etc., Page 675.
 (b) See note 47.
46. (a) ". . . assi mismo los Religiosos de san francisco celebró el padre fray Juan de Escalona comisario dellos capitulo al punto que llegaron. . ." *Relación verdadera sacada de las cartas*. . . A. G. I., 1-13/22.
 (b) Escalona signed as "Comisario" in his letter of October 15, 1601, in *Consejo de Indias al Rey*. *Lo que parece conviene proveer*. . . A. G. I., 1-1-3/22.
 (c) ". . . El Padre Comisario fray francisco de escobar," in *Copia de carta de Don Juan de Oñate al Marqués de Montesclaros*. . . San Bartolomé, August 7, 1605. A. G. I., 58-3-16.
 (d) ". . . las cartas y relaciones ynbiadas por don Juan de oñate . . . y del Padre fray francisco de escouar Comisario. . ." *Auto*, Mexico, January 18, 1608, in *Título de Gobernador*, etc., A. G. I., 58-3-16.

was sent out as prelate with another group of friars. Torquemada⁴⁷ and the manuscripts⁴⁸ give him the title of Commissary. Peinado, in turn, was succeeded by Fray Isidro Ordoñez in 1612, or earlier, and in his case also the manuscripts use the title of Commissary,⁴⁹—with one exception. In the papers of the Sección de Contaduría, Archivo General de Indias, there is one reference to Fray Ordoñez as "Custodio," but in six other references in the same set of papers, four of them later in date than the one where "Custodio" is used, the title applied to him is "Comisario."⁵⁰ The successor to Ordoñez probably was Fray Estévan de Perea, for Zárate Salmerón in his *Relaciones* states that Perea was "Commissary of those Provinces" when the body of Fray Francisco López, murdered by the Indians in 1581, was found at Puaray thirty-three years later, i. e., in 1614.⁵¹

47. ". . . y para lo espiritual, fueron ocho, o'nueve Religiosos. . . y el Padre Frai Alonso Peinado for Comisario de ellos, y de los que allá están, poraver renunciado este Oficio el Padre Frai Francisco de Escobar, que hasta entonces lo avia sido, con mucha aprobaci6n." *Monarchia Indiana*, I, 678.

48. (a) ". . . en compa \tilde{n} ia del padre comissario fray alonso peynado y otros siete Relixiosos de la dha orden fueron a las provas. del nueuo mexico. . ." A. G. I., *Contaduría*, 712, Payment of June 23, 1609.

(b) ". . . y por lo qual recuso al pe. fr. Alonso peynado y despues denego al Pe. fr. Ysidro Ordoñes su sucesor en el oficio de Comisso. . ." *Opinions presented by Fray Juan de Vidania concerning the actions and policies of Gov. Luís de Rosas and Fray Juan de Salas. 1640-1641?* Archivo General y Público, México, *Inquisicion*, Tomo 595.

49. (a) See note 48 (b).

"Fr. Ysidro Ordoñez, Comisario de San Francisco del Nuevo Mexico. . ." *Codex Monacensis. Hispan.*, 79 f. 7v. Staatsbibliothek, Munich.

50. Mr. L. B. Bloom has furnished me this information, and also the information in note 48 (a). The references, taken from his letter, are:

AGI, *Contaduría*, 850:

libranza of 15 Feb., 1612, speaks of "el Padre comisario Fray Isidro Hordoñez," etc.

libranza of 27 Feb., 1612,—the same.

libranza of 31 March, for payment to Conçalo Carnero, "valor de las cosas en una memoria firmada del dicho Fco. (sic) Carnero que se usó dicho Padre custodio Ordoñez para su viaje," etc.

libranza of 5 April, 1612, ". . . dos Indios que alistaron y entregaron al Padre comisario fray Isidro Ordoñez," etc.

libranzas of 27 April and 25 August, 1612, and 12 March, 1613,—all three use term "comisario."

51. I have used the translation of the Salmerón *Relaciones* in *Land of Sunshine*, XI (1911), 336-346; XII (1912), 39-48, 104-113, 180-187, for I have not had access to the Spanish text in *Documentos para la Historia de Mexico*, 3a serie.

To sum up, the contemporary sources, printed and manuscript, have the term Commissary in almost every case to designate the prelate of New Mexico from the beginning of the Oñate period up to the year 1614 at least. The one instance where the term Custodian is used, in the case of Ordoñez, is offset by the term Commissary in all other cases.⁵² This burden of contemporary evidence must be regarded as more conclusive than that which is found in the works of Vetancurt and Rosa Figueroa who wrote some ninety, and one hundred fifty or sixty years later, respectively. It is possible, moreover, to cite certain evidence in addition to that based on the use of the terms Commissary and Custodian. For example, in a memorial or petition addressed to the King on Feb. 13, 1609, Fray Francisco de Velasco "petitioned the king not to abandon the province, but to erect a custodia there instead."^{52a} This indicates that the Custodia of New Mexico must have been erected post-1608. Attention is called also to the fact that Torquemada, in his summary of the Franciscan provinces of New Spain in the third volume of the *Monarchia Indiana*, states with regard to the Province of the Santo Evangelio:

"Tiene mas una Custodia que es la de San Salvador de Tampico."^{52b}

This shows clearly that at the time Torquemada was writing his history, early in the second decade of the seventeenth century, the Custodia of New Mexico had not been erected. Finally, all that is known concerning the progress of the missions prior to 1609, when Peinado became prelate, also proves that the custodia could not have been erected at such an early date. Up to 1608 there was grave danger of the whole New Mexican venture being completely abandoned. Tardy success of the conversions in that year was the factor which influenced the viceregal court to maintain

52. It has been impossible, of course, to check all possible references to the prelates in all the sources. I have tried, however, to test the usage in the case of every prelate and in such a variety of sources that the tests could be regarded as representative of the sources as a whole.

52a. Hammond, *op. cit.*, p. 177, note 679.

52b. Page 281.

New Mexico, but as a mission province. Peinado was sent out with reinforcements in 1609, but it would be several years after that date before the authorities in New Spain could be sure enough of the permanence and expanding needs of the New Mexican missions to take action looking to the erection of a custodia.

Thus it may be asserted with confidence that the Custodia of New Mexico was not established prior to 1614.⁵³

At what later date was it established? Long standing tradition has fixed the date at 1621 or 1622, and has assigned to Fray Alonso de Benavides the honor of having been the first Custodian. Numerous statements in the older secondary works have been the basis of this tradition, but the crucial contemporary statement is found in a royal cedula, dated November 15, 1627, and quoted in the letter of Fray Juan de Santander, Commissary-General of the Indies, transmitting Benavides' Memorial to the King. The cedula states:

"... it must be some five years since by the Provincial Chapter (which was celebrated in that [province] of the Holy Evangel) the [Province] of New Mexico was erected into a Custodia, and for its Custodio [was appointed] Fray Alonso de Benavides," etc.⁵⁴

"Some five years" (aura como cinco años) preceding the year 1627, the date of the cedula, would place the year at 1622, or earlier, depending upon the interpretation of the phrase.

The tradition that Benavides was first Custodian is supported, perhaps, by Benavides' own statement. In a manuscript entitled *Relazione delle Conversioni del Nouo*

53. Historians have never supposed, of course, that the Custodia of New Mexico was founded prior to 1614. Such statements as found in Vetancurt have been disregarded. I thought it wise, however, to discuss the point here because of Rosa Figueroa's use of the term Custodian for Escobar and Peinado which would seem to confirm Vetancurt, even though it is probable that Rosa Figueroa took his information from Vetancurt. The discussion also served to illustrate the use of the terms Commissary and Custodian, and set limits to the possible dates that could be considered in the later discussion.

54. Benavides, *Memorial* (Ayer edition, Chicago, 1916), p. 5.

Messico,⁵⁵ which is a sort of summary in Italian of the 1634 *Memorial*, there is the following statement:

“... l'anno 1623 Jo' fra' Alonso de Benavides fui elletto in primo Custode ministro di quella Conuersioni e po. Comrio. di Santo officio,” etc.

This would seem at first sight to indicate that Benavides claimed for himself the honor of first Custodian, but the statement may be subjected to some interpretation. The date 1623 is unquestionably right, as will be proved later. It is also true that Benavides was Commissary of the Holy Office in New Mexico, the first person, in fact, to have such an appointment. Now, is it not possible that the quotation may be made to read that he was the first person to hold both appointments—Custodian and Commissary of the Holy Office? Such an interpretation fits the facts exactly.⁵⁶ If, however, the quotation is to be read so as to make Benavides the first Custodian, then the statement can not be supported by other evidence. In fact, other evidence proves conclusively that he was not.⁵⁷

This evidence is found in a variety of sources, as follows: (1) The record of an ecclesiastical trial held in Santa Fé in 1617; (2) a letter of the Viceroy of New Spain to the King, dated May 27, 1620; (3) two viceregal decrees dated January 9 and February 5, 1621, and addressed to the Custodian and Governor of New Mexico; (4) letters and sworn declarations dating from 1621 *et seq.* in the papers of the Inquisition in Mexico; (5) an extract or selection of references to the Custodia of New Mexico taken from the *Libros de Decretos* of the Province of the Santo Evangelio, and covering the years 1623 to 1755; and (6) statements in the *Bezerro General* that confirm evidence in one or more of the items (1) to (5) above.

55. This is one of the Propaganda Fide documents.

56. For Benavides appointment as Commissary of the Holy Office, see discussion below.

58. It is only just to note that Benavides was not at all reticent in describing his own part in New Mexican affairs. In fact, a close reading of his writings must convince any student that he actively presented his own case in the best possible man-

Part of the evidence found in these sources may be summed up as follows:

1. The Viceroy, in the letter to the King, dated May 27, 1620, indicated that the Custodia of New Mexico had already been established.⁵⁸
2. In the extracts from the *Libros de Decretos* it is stated that Fray Alonso de Benavides was elected Custodian on October 13, 1623, to take the place of Fray Miguel de Chavarría, "primer custodio electo," whose triennium had expired.⁵⁹ This would date Chavarría's election as of the year 1620.
3. In the *Bezerro General* Rosa Figueroa has the following comment concerning Chavarría:

". . . el primer custodio por elección canónica electo en el cap. Proal. del año del 1620."⁶⁰
4. There is absolute proof that Chavarría arrived in New Mexico in the autumn of 1621, took over the govern-

ner, and did not always give as much credit to others as they deserved. For example, in the *Relazione delle Conversioni*, in describing the missionary activity in 1629 when Perea and thirty new friars arrived and the conversion of Ácoma, Zuñi, and Moqui was started and a mission sent to the Jumanos, Benavides does not mention Perea's name. In fact, throughout all of Benavides' writings little is said concerning Perea, who was undoubtedly the outstanding figure in the New Mexican Church in his day. Moreover, in the *Privilegios para las Indias*, another manuscript from the Propaganda Fide, Benavides discusses the possibility of the appointment of a bishop for New Mexico, and he stresses the point that the appointee should be a friar. More, he suggests for the post certain persons *beneméritos* who had served in New Mexico with distinction, and his own name heads the list! In the 1634 *Memorial* he falls into serious error, such as having Fray Marcos de Niza martyred in New Mexico. In short although Benavides' writings are precious sources for the history of New Mexico, they must be used with care.

58. "Los quales tienen un convento en la villa de Santa Fé, y otros mas pequeños en los dichos pueblos de yndios, para que se provee todo lo necesario, y el gobierno de los religiosos está reducido a una custodia." Hammond, *Don Juan de Oñate and the Founding of New Mexico*, p. 182, note 698. It was this quotation that set me to work to check other sources for similar data.

59. These extracts are entitled *Custodios de Nueva Mexico*, etc. See note 28 *supra*.

60. This statement is clearly based on the *Libros de Decretos* also. Rosa Figueroa, compiler of the *Bezerro General*, was also compiler of the *Custodios de Nueva Mexico*, etc.

ment of the Custodia for a year, and then returned to Mexico in the autumn of 1622.⁶¹

This evidence proves, then, that the Custodia of New Mexico was erected as early as 1620, and that Benavides was not the first Custodian.

But this is not all of the evidence to be considered. The two viceregal decrees of January 9 and February 5, 1621, refer to Fray Estévan de Perea as the Custodian in charge, and one of them is addressed to him directly.⁶² (Both decrees were issued subsequent to Chavarría's election, but prior to his departure for New Mexico.) The decrees deal with many problems of provincial government, but especially with the series of differences between Church and State in New Mexico that had characterized the years preceding 1621, and in which Perea had had a leading part as prelate of the missions. Thus it appears that Perea preceded Chavarría as prelate and that he had the title of Custodian. This is confirmed by additional evidence, as follows:

1. On August 18, 1621, a decree in Perea's name was read from the mission pulpits in which certain errors and heresies current in New Mexico were condemned.⁶³ This decree begins with the following words:

61. See *Letters of Fray Estévan de Perea and other friars of New Mexico. 1622. passim.* Archivo General Público, Mexico, *Inquisición*, Tomo 486. In these letters it is made abundantly clear that Chavarría arrived with the mission supply-train in 1621, and returned the year following.

62. The first of these decrees, dated January 9, 1621, was in the form of a *real provision*, i. e., a decree issued in the name of the King but actually by the Viceroy. It was addressed to Perea: "A vos el venerable Padre fray estéban de Perea del orden del seráfico san francisco Custodio de los Relixiosos de la dha orden." The decree is translated by L. B. Bloom in *NEW MEXICO HISTORICAL REVIEW*, V (1930), 288-298. The second decree, dated February 5, 1621, was addressed to Governor Juan de Eulate. It is a companion piece with the decree addressed to Perea. In it Perea is not mentioned by name, but the decree contains the following words: "el padre Custodio de los Religiosos." This decree has also been published, Spanish text with English translation, in the *NEW MEXICO HISTORICAL REVIEW*, III (1928), 357-380.

63. The decree is found in folio 282 of *Declarations, letters, and decrees, concerning the differences between Governor Juan de Eulate and the New Mexican friars. 1621-1626.* A. G. P. M., *Inquisición*, Tomo 356, ff. 257-316.

"Fr. Esteuan de perea de la horden de los frayles menores de nro. P. s. franco. Custo. desta custodia de la nua. Mexco," etc.

At the end, the decree is signed:

Fr. esteuan
de perea custos.
Por mandado de nro Pe.
Custodio
fr. Augustin de Burgos
Secretario.

2. In this decree Perea called upon the faithful to come to him and denounce persons known to be guilty of the errors that he had condemned. During the course of the next few weeks several friars appeared to give testimony, and in their sworn declarations the term Custodian is used to designate Perea.⁶⁴
3. In 1626, when Fray Alonso de Benavides was gathering testimony under his authority as Commissary of the Inquisition, several persons who made sworn declarations referred to Perea as former Custodian.⁶⁵
4. In a letter which Perea wrote to the Inquisition on Sept. 18, 1622, he states that he had been prelate during the five years ending in 1621, when Fray Miguel de Chavarría took charge.⁶⁶
5. In the record of the ecclesiastical trial held in 1617, it appears that the prosecuting attorney and the judge were serving on appointment by "Padre Fray Estevan

64. (a) "En este convento de nro. Pe. St. franco de Sandia en veynte y dos Dias del mes de Agosto de mil y seis cientos y veynte y vn años Nro. Pe. Csto. fr. esteuan de perea," etc. Declaration of Fray Pedro de Haro, in *Declarations, letters, and decrees*, etc.

(b) "En este Convto. de San franco de sandia a dos de setiembre de 1621 As. nro. Pe. Custo. fr. esteuan de perea," etc. Declaration of Fray Andrés Suarez, in *ibid.*

65. The following phrases occur: "custodio que fue;" "Custo, que a la sason era"; "Custo. que era." *Ibid.*, *passim*.

66. "Y siendo prelado de estas provincias estos 5 años pasados q se cumplieron a fin de el de 1621," etc. *Letters of Perea and others*. These papers also make it entirely clear that Chavarría succeeded Perea as prelate.

Perea, Custodio, Juez Ordinario.”⁶⁷

6. Finally, we have Perea’s statement, made in 1633, that he was three times superior prelate of New Mexico.⁶⁸ When were these three times? It is known, on the authority of Zárate Salmerón that he was Commissary in 1614. It has long been known, also, that he succeeded Benavides as Custodian in 1629. The third time must, therefore, have been during the years 1617 to 1621, as indicated above.

Thus there can be no doubt that Perea had the title of Custodian from 1617 to the autumn of 1621 when Chavarría arrived. The crucial point is this: does the fact that Perea had the title of Custodian as early as 1617 mean that the Custodia of New Mexico had been erected at that time? It was in anticipation of this question that the use of the term Custodian was discussed in the preceding pages. It is clear that a friar could have the title without being the prelate of a custodia, but when used to designate the prelate of a new mission area it must be regarded as strong proof that the area in question had actually been erected into a custodia. In the case of Perea, it is clear that the title was used in the sense of local prelate, and not in any other way. Moreover, he exercised the powers that later custodians of New Mexico always had, especially the powers of ecclesiastical judge ordinary. That he did not sit in person in the trial of 1617 does not alter this fact. He delegated his authority to others. In fact, in the viceregal decrees referred to above, his authority to exercise the powers of an

67. The trial took place in Santa Fé during the spring and summer of 1617. A citizen of Santa Fé, Juan de Escarramad, one of the founders of the province, was tried for having made slanderous statements concerning the friars. The trial record forms part of an expediente entitled *Diferentes Autos de Molestias Hechas a los Vezos de la nua mexco. 1604-1636*. A. G. P. M., *Provincias Internas*, Tomo 34, Exp. 1.

68. “. . . por auer sido prelado superior tres ueces,” etc. Perea to the Holy Office, October 30, 1633, in a group of papers entitled *Del Pe. fr. esteuan de Perea de la orden de S. franco. Comiso. del nuevo mexco*. A. G. P. M., *Inquisición*, Tomo 380, ff. 231-244. The term Commissary as used in the title of this group of papers refers to Perea’s appointment as Commissary of the Holy Office, not as prelate of the friars.

ecclesiastical judge ordinary was not questioned; he was merely instructed to exercise it with prudence and caution in future, and not to delegate it to others.

Thus it becomes clear that Perea had the title and powers of Custodian of New Mexico as early as April 17, 1617, which is the date of the first document in the trial record, and it may be assumed, therefore, that the Custodia had actually been erected. Some seven or eight years would have elapsed since the decision of the Viceroy in 1608-1609 not to abandon New Mexico. There would have been opportunity to check the results and permanence of missionary enterprise in New Mexico. One, and probably two, supply caravans would have been sent to the province, in addition to that sent in 1609. On the basis of the reports brought back, the Franciscan authorities in New Spain could have made their decision. The decision must have been made several weeks or months prior to the date of the earliest document (April 17, 1617) in which Perea appears as Custodian because of the time required to send news to the far away northern frontier. Thus the decision must have been made at least by the turn of the year 1616-1617, or even within the year 1616. It is known that a group of friars and soldiers made the journey from Mexico City to New Mexico in the winter of 1616-1617,⁶⁹ and the news may have been sent at that time.

It is possible, of course, that the decision may have been made even earlier than 1616, and that some friar may have preceded Perea as Custodian. Unfortunately, we have no positive documentary evidence for the years from 1614 (when Perea was Commissary) to 1617. It can only be stated that there is no evidence that any friar other than Perea was prelate during those years.

Before we leave this discussion, there are two points that must be cleared up.

69. This is indicated by incidental statements in the 1617 trial record, and by statement in A. G. I., *Contaduría*, 845B, reference from Mr. L. B. Bloom.

1. There is the statement in the extracts or quotations from the *Libros de Decretos* of the Province of the Santo Evangelio that Chavarría was "primer Custodio electo de aquella dicha Custodia," etc.⁷⁰ This, in turn, was no doubt the basis of the statement made by Rosa Figueroa (who was the compiler of the extracts) in the *Bezerro General* that Chavarría was "el Custodio por elección canónica electo," etc.⁷¹ How reconcile these statements with the evidence that Perea preceded Chavarría as Custodian? Rosa Figueroa gives the clue in another statement in the *Bezerro General* to the effect that all of the friars named as Custodians by Vetancurt, i. e., Escalona, Escobar, and Peinado, had been appointed by letters patent from the Superior Prelates in New Spain.⁷² Although none of these friars actually had the title of Custodian, it is true that their nomination as prelate (Commissary) of the new mission area in New Mexico was by appointment from the Franciscan authorities in New Spain. The decision to set up a custodia in New Mexico, probably made in 1616, would raise the question of future procedure in nominating the Custodian. The usual method of nomination of Custodians was by election by the local custodial chapter, or by the authorities of the mother province. (See discussion in section III above.) When the decision to set up the Custodia of New Mexico was made, the Franciscan authorities in New Spain may well have had some doubt about the proper method to be adopted for New Mexico. New Mexico was far away. The missions had to be supported by triennial grants of subsidy from the Royal Treasury. These conditions may very likely have caused the authorities in New Spain to take some time to consider the situation before deciding whether the election should be by the local custodial chapter in New Mexico, or by the provincial authorities in Mexico City. Delay would give them an opportunity to obtain more in-

70. *Custodios de Nueva Mexico*, f. 1.

71. Page 249.

72. Page 254.

formation on the basis of which they could make a decision. Pending a decision on this point, they probably continued the old method of nomination by appointment in the case of Perea, the first Custodian. It has been indicated that Perea was Commissary in 1614. There is no evidence that any person other than Perea, was prelate between 1614 and 1617. It is probable, therefore, that when the authorities in Mexico decided to erect the New Mexican missions into a custodia, they dispatched letters patent to Perea giving him authority to assume the title and powers of Custodian, pending a decision concerning the method of nomination in future. During the four years, from the year 1616-1617, to the year 1620, when Chavarría was elected, more news of New Mexico was received in Mexico City, and especially the news of the disagreement and conflict between the Church and State, and the provincial authorities may well have concluded that these conditions, in addition to the factors of distance and financial support, required that they maintain a greater measure of control by keeping the election of the Custodian in the hands of the authorities of the mother province, instead of giving it over to the local custodial chapter. Having made the decision, the first election was held and Fray Miguel de Chavarría was elected.⁷³

2. The second point concerns the ratification of the erection of the Custodia of New Mexico by the general chapter of the Order. The earliest record of such action is a statement in the published decisions of the general chapter that met at Toledo in 1633, as follows:

“Custodia noui Mexici erigitur & confirmatur denuo cum omnibus iuribus verae Custodiae subiecta Prouinciae S. Euangelii de Mexico sub titulo S. Pauli.”⁷⁴

73. The *Bezerro General*, p. 249, states that the election of Chavarría was “en el cap. Proal. del año de 1620.” This does not mean necessarily that the election was by the provincial chapter as a whole, but probably means that it took place at the time of the provincial chapter in 1620.

74. De Gubernatis, *Orbis Seraphicus*, IV, p. 86.

This statement is responsible for Holzapfel's remark that the Custodia of New Mexico was erected in 1633.⁷⁵ That such action should have been taken at Toledo in 1633 is easy to understand. Benavides had published his *Memorial* in 1630. He and other Franciscans were actively urging the cause of the New Mexican missions. The action of the general chapter at Toledo in 1633 is merely another proof of Benavides' influence.⁷⁶

This entire discussion may be summed up as follows:

1. The old traditions that the Custodia of New Mexico was founded in 1621, or 1622, and that Benavides was first Custodian can no longer stand. Instead, it is proved that Chavarría preceded Benavides, and that the former was elected in 1620.

2. The evidence available at present indicates that the Custodia was erected not later than 1616-1617, and that Fray Estévan de Perea was first Custodian. This conclusion has been reached on the basis of the interpretation of the significance of the term Custodian as used in the contemporary documents. The author desires, however, that this point should receive the study and criticism of students who are familiar with Franciscan practice and usage.

VI

What can we determine concerning the chronology of the early Custodians? Using the evidence already presented above, it appears that the first Custodian was probably Fray Estévan de Perea. The list of early Custodians, beginning with Perea, is as follows:

1. Fray Estévan de Perea. 1616-1617 to 1621.

75. *Handbuch de Geschichte de Franziskanerordens*, p. 393.

76. It is interesting to note that in Gaspar de la Fuente's *Historia del capítulo general que celebró la religión seráfica en la imperial Toledo este año de 1633*, (Madrid, 1633), there is no discussion of the formal action concerning the ratification of the erection of the Custodia of New Mexico; but there is an account of the New Mexican missions based mostly on Benavides.

2. Fray Miguel de Chavarría. Elected in 1620. Served in New Mexico from the autumn of 1621 to the autumn of 1622. Term expired in 1623.

3. Fray Ascenio de Zárate, Vice-Custodian in Charge. Autumn of 1622 to December, 1625.

4. Fray Alonso de Benavides. Elected on October 17, 1623. Served in New Mexico from December, 1625, to the spring of 1629.

5. Fray Estévan de Perea. Elected on September 25, 1627. Served in New Mexico from the spring of 1629 to 1630-31.

Although this is not the place to describe the careers of these men in detail, it will be useful to sum up such information concerning them as is not already well known.

Fray Estévan de Perea was a native of Villanueva del Fresno in Estremadura, and prior to his departure for America, was known as Fray Estévan de Villanueva. His parents and ancestors of both lines were Portuguese.⁷⁷ The date of his birth was 1566, perhaps somewhat earlier.⁷⁸ Nothing is known concerning his early life, prior to his

77. There are two documents dealing with the genealogy of Perea in A. G. P. M., Sección de Inquisición. (1) *Letter and testimonio from the Inquisition of Llorena, 1629-1630.* Tomo 268, Exp. 5, pp. 1, 2. (2) *Documents concerning the genealogy and limpieza de sangre of Fray Estévan de Perea.* 1628. Tomo 365, Exp. 11/12. These two sets of papers contain information gathered by the agents of the Inquisition in various places in Spain and Portugal where Perea or his ancestors had lived. The investigation was ordered by the Suprema in Spain, probably on request from the Inquisition in Mexico City which desired such information before appointing Perea to the position of Commissary of the Inquisition in New Mexico. The testimony in the second of these sets of papers is mostly written in Portuguese and is almost illegible, but the essential facts seem to be summed up in Spanish in the first folio of the document. Perea's parents were Rodrigo Alonso and Ines Nuñez, citizens of Villanueva del Fresno. His father, Rodrigo Alonso, was a native of Beja in Portugal, the son of Roque de Pesaña. His mother, Ines Nuñez, was a native of Moncaraz in Portugal, the daughter of Estévan Nuñez and Juana Fernandez. One of Perea's brothers was Fray Roque de S. Basilio, "a friar of great reputation" in the college of St. Basil in Seville. An uncle, brother of his father, named Gaspar Pereira, is also mentioned. The general opinion concerning Perea's ancestry seemed to have been favorable, except that there was some rumor that his maternal grandfather came from a line of new Christians. The Pesañas—the paternal ancestors—were recognized as persons of good standing.

78. On January 26, 1626, Perea stated in a sworn declaration that he was "more than sixty years old." *Declarations, letters, and decrees, etc.*

arrival in Mexico, except that he had become a member of the Order of Friars Minor in one of the provinces of Spain.⁷⁹ He came to Mexico in 1605, and was affiliated with the Province of the Santo Evangelio.⁸⁰ In 1609, probably,⁸¹ he went to New Mexico to labor in the Indian missions there, and was assigned to the Tigua area in the middle Rio Grande valley, where he became Guardian, and probably founder of the mission and convent of Sandía.⁸² We have Salmerón's statement that he was Commissary of those Provinces in 1614. From 1617 (1616-1617?) to 1621, he had the title and authority of Custodian, and was succeeded in that office in the autumn of 1621 by Fray Miguel de Chavarría.

During these years as prelate, Perea exerted a very powerful influence in New Mexican affairs, especially in the conflict between the civil and ecclesiastical authorities, which began during the administration of Governor Pe-

79. The documents contain conflicting statements concerning the province to which Perea belonged in Spain. In the two documents dealing with his genealogy (see note 77 *supra*) it is stated in one instance that he was a "religioso descalzo en la Prouincia de S. Gabriel; and in other instances he is referred to as "Religioso de s. frco. de Prouincia de S. Miguel." And in the *Bezerro General*, p. 126, his province is given as that of Santiago. These statements cannot be entirely reconciled, but some explanation may be attempted. The Province of San Gabriel, of the Barefoot Friars, and the two provinces of "regular" Franciscans, Santiago and San Miguel en Estramadura, were all in the same general area in southwestern Spain. Perea may have entered the Barefoot Friars at first, and in that case, he would have been a member of the Province of San Gabriel. But when he arrived in Mexico, he affiliated with the Province of the Santo Evangelio, instead of with the Province of San Diego, of the Barefoot Friars. It is possible, therefore, that he had changed his affiliations before he left Spain, and in that case he had become a member of either the Province of Santiago, or of the Province of San Miguel en Estramadura.

80. *Bezerro General*, p. 126.

81. ". . . y tener baptizadas tantos millares de almas por mi mano en mas de 24 años q asisto aqui," etc. Perea to the Holy Office, October 30, 1633, in *Del Pe. fr. estéuan de perea de la orden de S. franco, Comiso. del nueuo mexco.* A. G. P. M., Inquisición, Tomo 380, f. 231. Twenty-four years prior to 1633 would bring the date back to 1609. It is possible, therefore, that Perea was a member of the group of friars that Peinado took to New Mexico in 1609.

82. (a) ". . . este conbento y doctrina de los tiguas q. e bauticado y congregado con tantos trabajos," etc. Perea to Chavarría, Sandía, August 26, 1622. *Letters of Perea*, etc.

(b) "En esta prouincia y nascion Tiguas an trabajado mucho los Pes. fr. Estéuan de Perea y fray joan de Salas assi en congregar estos indios a los pueblos como en conuertirlos a nra. sta. fee catolica," etc. Benavides, 1634 *Memorial*.

ralta, and which characterized the terms of office of Ceballos and Eulate, the two immediate successors of Peralta.⁸³ Perea was a staunch defender of the Church and its privileges and immunities and an ardent foe of all manner of heresy and error, and his actions during these years contributed much to the formation of that evil tradition of enmity and rivalry between the civil and ecclesiastical jurisdictions which characterized the political history of the province during the remainder of the seventeenth century. In 1621, Perea received a stern rebuke for some of his actions in a decree issued by the Viceroy in Mexico City.⁸⁴

In the autumn of 1621, Fray Miguel de Chavarría, his successor as Custodian, arrived, and Perea was reduced once more to the rank of mission friar. During the years 1621-1626, he seems to have served as Guardian of the Sandía convent, but, although reduced in rank, he never wavered in his campaign against heresy and error. In 1622, he appealed to the Inquisition in Mexico City to appoint a Commissary to investigate conditions in New Mexico, and in this was supported by some of his friar associates.⁸⁵ This appeal had the desired effect, for Fray Alonso de Benavides, who was elected Custodian in 1623, was also appointed Commissary of the Inquisition for New Mexico. Benavides arrived in New Mexico late in December, 1625, and on January 25, 1626, the first edict of the faith was read in the Santa Fé church. It was fitting that Perea should be the first person to testify concerning matters of the faith before Benavides, and on January 26, 1626, Perea made a long declaration in which he summed up the events of the preceding years, his own part in them, and presented a set of papers and *testimonios* to support and confirm his testimony.⁸⁶

83. The details of this Church and State conflict in which Perea was involved will be described by the author of this paper in a forthcoming work on the Inquisition and the Conflict between Church and State in New Mexico in the Seventeenth Century.

84. This is the viceregal decree, dated January 5, 1621, described above under note 62.

85. *Letters of Perea, etc., passim.*

86. *Declarations, letters, and decrees, etc.*

For several years Perea had desired to go to Mexico City in order to present his version of New Mexican affairs to the Holy Office and to the superior prelates of his Province, and now, at last, he had the opportunity. In September, 1626, he departed with the mission supply-train, and arrived in Mexico City in January, 1627.⁸⁷ The *apologia* of his past actions in New Mexico, which he presented, must have been convincing and well received, for on September 25, he was elected Custodian to succeed Benavides.⁸⁸ At the same time, the Inquisition probably decided to appoint him Commissary for New Mexico, but before this could be done, it had to have proof of his genealogy and *limpieza de sangre*. The Inquisition in Spain was probably requested to furnish the information, and the result of this request was the investigation, the results of which are stated in the papers described in note 77. This information was not received in Mexico before Perea left for New Mexico in 1628, so that his appointment as Commissary of the Inquisition was delayed until 1630.⁸⁹

On October 1, 1629, the Provincial and Definitors of the Province of the Santo Evangelio met to elect Perea's successor as Custodian. First choice fell on Fray Francisco de Porras, and, in case of his death, Fray Juan de Salas was to have the post.⁹⁰ Salas actually succeeded to the office. Porras had taken up the work of conversion at Moqui in 1628, and he apparently preferred to remain there rather than accept the office of Custodian. He was killed at Moqui in June, 1633. The exact date when Salas suc-

87. The date of departure is indicated by a letter of Benavides to the Inquisition, September 8, 1626. *Ibid.* The date of arrival is indicated by the fact that these papers (declarations, letters, and decrees) were sent at the same time and were received in the Inquisition on January 27, 1627. See superscription to Benavides letter of Sept. 8.

88. *Custodios de Nuevo Mexico*, f. 1.

89. Superscription on the first of the two sets of papers listed in note 77 states that this set of papers was received in Mexico City on October 28, 1630. The second set was received later and was then lost temporarily. Apparently the Inquisition dispatched the appointment as Commissary to Perea late in 1630 after having received the first set of papers.

90. *Custodios de Nuevo Mexico*, f. lv.

ceeded Perea, cannot be determined. The earliest document in which Salas is mentioned with the title of Custodian is dated Jan. 19, 1631.⁹¹

Although Perea was some sixty-five years of age at the time when he relinquished the Custodianship to his successor, Fray Juan de Salas, he still had many years of active work ahead. His appointment as Commissary of the Inquisition was received at about the turn of the year, 1630-31, and he seems to have held the office down to the end of his life, some eight years later. An edict of the faith was read in Santa Fé on March 23, 1631,⁹² and during the following three years, Perea sent a large body of sworn evidence to the Tribunal of the Inquisition in Mexico City. Although none of these declarations appear to have resulted in formal trial of any of the accused persons by the Inquisition, they present to the modern investigator an illuminating picture of New Mexican life in the early 1630's.

In the mid-1630's, the Church and State conflict, which had been in abeyance since the departure of Governor Eulate in 1626, was renewed, and for several years it was an increasingly important factor in provincial life. Perea took an active part in this quarrel, either as Commissary of the Inquisition or as a member of the Definitors, the standing committee of the custodia. His last active efforts of this sort, of which we have a record, were in the summer of 1638, when he investigated the reported actions of Governor Rosas during the expedition to the Ipotlapigua country in the spring of that year.⁹³ In a letter addressed to the Inquisition in Mexico City, dated September 15, 1638,⁹⁴ Perea stated that he was ill, and it is probable that he died sometime during the following months, for, in the reports

91. Declaration of Capt. Diego de Santa Cruz, Sandía, Jan. 19, 1631. A. G. P. M., *Inquisición*, Tomo 372, Exp. 16, f. 1.

92. Perea to the Holy Office, Nov. 10, 1631. A. G. P. M., *Inquisición*, Tomo 372, Exp. 19, f. 1.

93. The reports of this investigation are in an expediente entitled *Del Pe. fr. esteuan de Perea Commisso. del Nueuo Mexco Contra Don luis de Rosas*, etc. A. G. P. M., *Inquisición*, Tomo 385. Cf. note 35.

94. *Ibid.*

of the quarrel between Rosas and the clergy that occurred in 1639, *et seq.*, Perea's name does not appear among the active friars. During these later years of his life, Perea had lived at Cuarác, but his death and burial are supposed to have been at his old mission of Sandía.

Perea was one of the greatest figures in the history of the Church in New Mexico. For some thirty years, except for the brief period from 1626 to 1629, he was the dominant figure in the religious life of the province. He played an active part in the expansion of the missions and he was a pillar of defense in the struggle with the State. More than any other person, he was responsible for the establishment of the Inquisition in New Mexico; likewise, he must bear a share of the blame for the long conflict between Church and State. Fray Alonso de Benavides has long enjoyed the greatest reputation of any Franciscan who served in the New Mexican missions, and this has been due to the phenomenal success of his *Memorial* printed in 1630. The two known published writings of Perea, the *Verdadera Relación* and the *Segunda Relación*, deal but briefly with two or three incidents related to his long career in New Mexico, and they never had the vogue of the Benavides *Memorial*. Consequently, little has been known concerning Perea's life and influence. New manuscript evidence has made possible the rediscovery of Perea as a great leader and prelate. His long years of service, and his paramount influence give him a pre-eminent position in New Mexican history, a position greater than that of Benavides. Perea, more than any other friar, deserves the honor of being called the Father of the New Mexican Church.

Little is known concerning the early life of Fray Miguel de Chavarría, who succeeded Perea as prelate of New Mexico in 1621. He made his profession as a member of the Franciscan Order on December 10, 1602.⁹⁵ Prior to his election as Custodian of New Mexico, he had been Master

95. *Bezerro General*, p. 249.

of Novices in the Convent in Mexico City and Vicar of Santa Clara.⁹⁶ He was elected Custodian of New Mexico in 1620, and he made the journey to New Mexico in 1621 with the mission supply-train. He arrived in the autumn of that year, and took over the government of the missions from his predecessor, Fray Estévan de Perea. For some time, Perea had been anxious to go to Mexico City to give a full report concerning conditions in New Mexico to the prelates of his Order, and it appears that the Provincial had granted him permission to make the trip. Apparently Chavarría was unwilling to give him final consent to depart, and in a series of letters and petitions, Perea made serious charges against Chavarría, accusing him of open hostility, and of abject subservience to the civil authorities in New Mexico with whom Perea had been carrying on bitter controversy.⁹⁷ Except for this controversy with Perea, nothing is known concerning Chavarría's year of service in New Mexico. In the autumn of 1622, he returned to Mexico City, and the year following, his triennium having expired, Fray Alonso de Benavides was elected in his place. He died at the convent in Puebla on May 20, 1632.⁹⁸ Rosa Figueroa has the following comment concerning him:

"Fue varon de Heroycas Virtudes mui abstinente penitente y extatico. lo adornó Dios con gracia de milagros, ya dando lluvias al fervor de su oracion, ya sanando un leproso el contacto de sus paños menores. Fue varon Appco. en el Nuevo Mexco.," etc.⁹⁹

During the interval between the departure of Chavarría in the autumn of 1622 and the arrival of Benavides late in December, 1625, the Custodia was governed by Fray Ascencio de Zárate with the title of Vice-Custodian. He had been a friend and associate of Chavarría for several years and he probably held office in virtue of appointment by Chavar-

96. Fray Ascencio Zárate to the Holy Office, Sept. 8, 1622, in *Letters of Perea*, etc.

97. *Letters of Perea*, etc., *passim*.

98. *Bezerro General*, p. 249.

99. *Ibid.*

ría. The documents contain little information concerning his services as prelate. Relations between the Church and Governor Eulate were strained, as usual, and Zárate bore the brunt of the quarrel in behalf of the Church.¹⁰⁰ After he was relieved of his office on the arrival of Benavides, he took up the duties of a mission friar. For some time, he labored at Pecuries, where he was buried in 1632.¹⁰¹

Fray Alonso de Benavides was a native of the island of San Miguel (Sao Miguel) in the Azores.¹⁰² Nothing is known concerning his early life prior to his arrival in the Indies. His own statements indicate that he held the office of Alguacil Mayor of the Inquisition in the Island of Española, about the year 1600.¹⁰³ Soon afterward, however, he went to New Spain, where he entered the Franciscan Order. He professed at the Convent of Mexico on August 12, 1603,¹⁰⁴ and during the twenty years that followed, he held several offices of trust under the Order. For a time, he was Master of Novices at the Convent of Puebla.¹⁰⁵ In 1621, he was living at the Convent of Cuernavaca, and in 1623, at the time of his election as Custodian of New Mexico, he was Guardian of the Convent of San Juan Temamatlac.¹⁰⁶ During these twenty years, he was also interested in the affairs of the Inquisition. He was notary of the Inquisition at Veracruz in 1609,¹⁰⁷ and during the years that followed, he appears to have served the Holy Office on various occasions. We have a letter written by Benavides to the

100. Information concerning the years, 1622 to 1625, is derived from the *Declarations, letters, and decrees, etc.*

101. Benavides, *Memorial* (Ayer ed.), p. 200, note 6, based on Vetancourt.

102. *Ibid.*, p. 188. The *Bezerro General*, p. 250., calls him an "Isleño."

103. In a note which Benavides wrote on the declaration of a certain Juan Donayre, who testified before Benavides on June 12, 1626, there is the following statement: "Deste hombre tengo uehemente sospecha que es un fulano de soto doctor en medicina que veinte y seis años que el Arçobispo Don fray Agustin de Auila en su Arçobispado de la isla española hasiendo yo offo. de alguasil mor. en la causa le castigó por el Sto. offo. hechandole un sanbenito," etc. *Declarations, letters, and decrees*, f. 305.

104. Benavides, *op. cit.*, p. 188; *Bezerro General*, p. 250.

105. Benavides, *op. cit.*, p. 188.

106. *Custodios de Nuevo Mexico*, f. 1.

107. This is indicated by documents in A. G. P. M., *Inquisición*, Tomo 284, ff. 742-748.

Inquisitor in 1621, while he was living in the Convent of Cuernavaca, which indicates this fact, and which incidentally gives us an interesting sidelight on him and his times. The letter is given in full in an appendix to this paper.

On October 13, 1623, Benavides was elected Custodian of New Mexico by the action of the Provincial and Definitors of the Province of the Santo Evangelio.¹⁰⁸ Sometime during the year or fifteen months that followed, he was also appointed Commissary of the Holy Office of the Inquisition for New Mexico—the first person ever appointed to that office.¹⁰⁹ Benavides was, therefore, the first prelate who exercised the authority of the two offices of Custodian and Commissary of the Holy Office, and for that reason his term of office is worthy of note, although it can no longer be held that Benavides was the first Custodian.

Benavides did not leave for New Mexico until early in the year 1625. The delay may have been due to the fact that he took with him to New Mexico a group of twenty-six friars to serve as missionaries in the Indian pueblos, and preparations for the journey and the transportation of adequate supplies would naturally require much planning. The supply-train reached the region of Santa Barbara and Cuencamé in northern Nueva Vizcaya late in the summer (1625), and tarried there for some six weeks (late August to mid-October) while Benavides carried on investigations for the Inquisition; for his appointment had included jurisdiction over northern Nueva Vizcaya as over

108. *Custodios de Nuevo Mexico*, f. 1.

109. This appointment was undoubtedly the result of the appeal of Perea and others, who had proclaimed the need of investigation of conditions in New Mexico. They felt that the special authority of the Holy Office was needed in order that the errors and heresies, current in New Mexico, might be dealt with in adequate fashion. It is altogether likely that the decision to appoint an agent or Commissary for New Mexico, may have been made prior to Benavides' election as Custodian, and that his election may have been due, in part, to his experience in the affairs of the Inquisition. That Benavides was the first Commissary of the Inquisition in New Mexico, is made doubly sure by statements in *Declarations, letters, and decrees*. For example, in his formal appointment of Fray Pedro de Ortega as his notary in New Mexico, Benavides states: ". . . por qto. los señores inquisidores desta nueva españa le an honrrado con el titulo de primer Comissario del Sto. offo. en estas prouincias," etc. *Ibid.*

New Mexico.¹¹⁰ In mid-October, the supply train finally started northward on the long journey across the "no man's land" between Santa Barbara and the El Paso country, and late in December it reached the central Rio Grande group of pueblos in New Mexico.¹¹¹

The arrival of a new Custodian was always an event to be celebrated with proper ceremony, but the reception of Benavides took on an especial significance because of the fact that he was also Commissary of the Holy Office. Arrangements were made to have the governor and cabildo of Santa Fé take part in the ceremony, and the day for his entry into the Villa was fixed. On the appointed day, January 24, 1626, the governor and cabildo, in full military regalia, met him at the outskirts of the town and accompanied him to the church and convent, while the soldiers fired salutes with arquebuses and artillery. On the following day, January 25, the governor and cabildo once more in attendance, the first Edict of the Faith was read in the Santa Fé church and the authority of the Inquisition formally established, for better or worse, in New Mexico.¹¹²

Benavides remained in charge of the Custodia of New Mexico until the arrival of his successor, Fray Estévan de Perea, in Easterweek of 1629. His missionary labors among the Piros, Apaches, and other Indian groups are well known. The story of his activities as Commissary of the Inquisition will be told in another place. In the autumn of 1629, he returned to Mexico City with the supply caravan, arriving early in the following year. In conferences with the prelates of his Order and with the viceregal court, it was decided that he should go to Spain, in order to present to the King and Council a report on New Mexican affairs and the progress of the missions. He departed for Spain, late

110. For Benavides' investigations in Cuernavaca and Santa Barbara, see A. G. P. M., *Inquisición*, Tomo 356, ff. 317-370.

111. The date of his departure from Mexico and his arrival in New Mexico have been established by Mr. Bloom on the basis of information in the papers of the Sección de *Contaduría*, A. G. I.

112. The documents describing these events are in *Declarations, letters, and decrees*.

in the spring probably, and, before the end of the year, his report or *Memorial* had been written, presented to the King by the Commissary-General of the Indies, and printed. The success of this description of missionary labors in New Mexico was phenomenal, and within a short time it was translated into several other languages.¹¹³

Concerning the later career of Benavides, subsequent to his arrival in Spain in 1630, there is not much information. It is known, of course, that in 1631 he visited the Abbess María de Agreda, who was supposed to have been transported miraculously to the Southwest to teach and convert the Indians. Benavides described his meeting with her in a famous letter written the same year to the friars of New Mexico.¹¹⁴ Whether he returned to New Spain in 1632-1633, as Rosa Figueroa believes,¹¹⁵ cannot be determined. It is not unlikely that he was in Spain at the time of the meeting of the general chapter of the Franciscan Order at Toledo, in 1633, when the erection of the Custodia of New Mexico was confirmed. In 1634, he presented a revised edition of his *Memorial* to Pope Urban VIII, the manuscript of which has never been published.¹¹⁶ That he was still in Spain in 1635 is proved by a letter which he wrote from Madrid, dated July 8, 1635, to a cleric in Rome.¹¹⁷ Rosa Figueroa states also that, during the same year (1635), the Province of the Santo Evangelio sent Benavides one hundred pesos for expenses.¹¹⁸

During these five years, 1630-1635, except for a possible visit to New Spain, Benavides was busy urging the cause of the New Mexican missions before the Spanish

113. No attempt will be made here to describe the editions of Benavides' book. For reference, see Hodge, *Bibliography of Fray Alonso de Benavides*. (N. Y., 1919), Museum of the American Indian, Heye Foundation. *Indian Notes and Monographs*. Vol. III, no. 1.

114. For editions of this letters, see Hodge, *op. cit.*

115. *Bezerro General*, p. 252.

116. The Quivira Society plans to publish it.

117. Benavides to Mgr. Francisco Ingoli, Madrid, July 8, 1635. Archivo di Propaganda Fide, Rome. *Scritture riferite nelle Congregazioni Generali*. Vol. 105, f. 54.

118. *Bezerro General*, p. 252.

court at Madrid and the papal court at Rome. The most important aim that was sought was the establishment of a bishopric in New Mexico. In 1631, Fray Francisco de Soca, Commissary-General of the Indies, petitioned the Crown to this end,¹¹⁹ and Benavides presented his revised *Memorial* to the pope with the same end in view. It is clear, also, that Benavides had ambitions of becoming the first bishop. The hopes of the Franciscans were not realized, however, for several years passed by before the Crown could get the viceregal and ecclesiastical officials of New Spain to investigate and make recommendations on the proposal. The recommendations, when finally made at the end of the 1630's, were unfavorable, and no further action was taken at the time.¹²⁰

It has been a tradition that Benavides finally attained the mitre, for it is stated that he was appointed assistant to the Archbishop of Goa in India, and that, at the latter's death, he succeeded to the see. The fact that Benavides' name is not found in such recognized episcopal lists as Gam's *Series Episcoporum* and Streit's *Atlas Hierarchicus* has cast some doubt on this phase of his career.

APPENDIX

Letter of Fray Alonso de Benavides to the Inquisitor,
Cuernavaca, Sept. 24, 1621

(From Archivo General y Público, Mexico, *Inquisición*,
Tomo 486, f. 204)

Muy mi Señor.

La afficion particular a Vmd. y el preciarme de hijo desse Santo tribunal a quien antes y despues de frayle he servido en muchas ocasiones me obliga a auisar a Vmd. como cerca deste Conuento de quahnauac adonde soi morador se an Rancheado de pocos años a esta parte algunos negros simarrones de los quales an cogido dos u tres y declaran

119. Real cedula al virrey de la Nueva España. Madrid, May 19, 1631. Villagrà, *Historia de la Nueva Mexico*, (Mexico, 1900), Vol. II, apéndice tercero, pp. 3, 4.

120. The reports and recommendations are found in A. G. I., 67-3-32.

como su capitán dellos a quien no an podido prender tiene una culebra que le habla uisiblemente y confiesan estos negros presos auerlo uisto y oido. juntamente un palito del tamaño de un dedo el qual palito habla y come como gente. y quando el negro capitán sale a Robar fuera de su Rancheria primero sale la culebra a uer adonde ay gallinas que hurtar y se lo uiene a desir publicam^{te} delante de los demas negros y luego ua el y la culebra se queda en guarda de los demas y no los dexa salir de la Rancheria hasta que uenga el capitán. y quando este duerme se le pone la culebra sobre el hombre y le dispierta quando uiene gente y otras cosas a esto traça. el negocio esta suspenso hasta que Vmd. me auise y mande lo que debo haser a quien obedecere como tan aficionado hijo suyo y desse Sancto tribunal. y para que Vmd. me conesca por tal soy el que hise la causa en toluca aserca del pleito que mis frailes tubieron con la justicia del marques adonde se trato de algunas blasfemias que en aquella ocasion dixeron algunas personas cuya comision mostre a Vmd. como a tan Señor mio a quien nro. Señor me guarde en la dignidad que merece ett. quauhnauc, 24 de Sep^e de 621.

de Vmd. aficionado capellan y Ser^{or}

fr. Alonso de Benauides (Rúbrica)

WILLS AND HIJUELAS

By LOUIS H. WARNER

IN NO section are wills more interesting than along the Rio Grande, in New Mexico. This is not true of old wills alone. It applies equally to many of recent date among the Spanish-speaking people. In many instances, there was a delightful informality about their execution, and yet I know of no region where, generally speaking, there seemed to be a more genuine desire to carry out the wishes of the deceased with such exactness. In the old days before our occupancy, the cost of legal paper and of execution before some official was prohibitive, so naturally there grew up this informality of which I speak. Sometimes the designated executors actually drew up and signed the instrument with all the formality that would have attended a regular execution and, all heirs agreeing, the wishes of the person, who no doubt died before his signature could be obtained, became effective. He had evidently talked over with the members of his family the method he wished adopted. They saw to it that this was done. And the most remarkable thing of all was the general contentment that followed. Rarely do wills seem to have been contested; almost never were results changed. All of which speaks volumes for the respect, yes, almost reverence, for the wishes of the dying. I know of no greater devotion, particularly to the parents, than here shown.

In 1812, a considerable estate was left. The testator made many specific bequests; there was a residue, which was divided in three parts:

1. To prisoners, to be expended under the care of the governor.
2. To bashful women and maidens, the padre to select.
3. To the most unfortunate persons, the padre to select.

This shows the confidence accorded to the selected officials. It is indicative of that followed down to compadres or members of the family selected as administrators and executors.

In the work of the Pueblo Lands Board it became necessary to ascertain the ownership of very small pieces of land, sometimes as small as .002 of an acre. It is difficult to picture such a small claim; one wonders how it could have arisen. However, many a will has referred to two limbs of a tree; the ground upon which the tree stood, the ownership of the land upon which the tree stood until the tree died. So I was not altogether surprised to read in a will executed in the Española district a bequest of "three parts of a tree." It became of importance to know how much land was conveyed, so, very naturally, while seated at luncheon next a federal judge and a university president a few days later, I asked the question: "How many parts has a tree?" The looks I received from both only aroused my desire for light, so, more seriously still, I repeated the inquiry. As I look back on the occasion I am amused at how busy each became with other things. Suffice it to say, no information was forthcoming. Then I turned to a member of an old Spanish family, one who has mixed with his people in their various walks of life. He, at least, had an answer—"four." Now just why a tree should be divided into four parts I do not know, but the answer seemed reasonable and in the absence of anything better I accepted it.

Quite apart from this, but in the same will, there appeared the bequest of one half of a cow; no disposition was made of the balance; which part was actually bequeathed did not appear.

About the same time I noticed another will. Apparently the woman making it had none too high a regard for her husband and she had considerable to convey. Her children shared equally, but to the husband went a mattress, a blanket and a pillow.

The division of rooms was the rule rather than the exception—so many *vigas* to each, as will appear in subsequent examples. Land was often divided into strips of equally numbered *varas* based on a water course, and thence running indefinitely into space.

In an 1850 will there appeared :

“Being in full and natural judgment, memory and understanding, taking for my intercessor the ever immaculate, Most Serene, Queen of the Angels, fearing death, which is natural, and desiring to save my soul and to prevent doubts and disputes after my decease, I make my will as follows:

“I direct that my burial be according to the regular customs and that my body be placed upon the earth and not upon any table.”

Then followed a great many individual bequests. Often the will had first a very elaborate profession of faith; then an account of the marriage or marriages, and the children from each, living or dead! then followed a declaration of all property, sometimes to the most minute detail; then the disposition of it, a record of debts owed by and to the testator, and the designation of executors. Of course there was no standard form, but as a rule this general idea was followed.

A fairly recent will in the San Juan area was, in part, as follows :

“I declare . . . that being ill and knowing that we are mortal and knowing that I have heirs and property to bequeath to them, I execute in the following way :

“I leave two small rooms with doors to the street to my two servants, with three mattresses, one for each and one for Chato, with blankets.

“To N. thirty-seven *vigas* in the house, eight being in the kitchen, nine in the large room, nineteen in the parlor on west side and three in the little room south of the parlor.

“To T. four *vigas* in the little room which is inside the parlor of N.; eight *vigas* in the room of the garden, nineteen *vigas* in the little parlor of the garden, five *vigas* in the kitchen and two *vigas* in the gallery.

“To F. for his wife Maria, nineteen vigas in the little gallery, six vigas in the little hallway, fourteen vigas in the big kitchen and the front porch outside of the house.”

To the uninitiated, the *viga* is the roof beam. The marvel to me is how it was possible to give parts of a house, yes, even of a room, to various heirs and have so little friction result. Of course, frequently, heirs would sell their respective interests and in this way rooms or houses became owned by a single party. However, in the old days, this does not seem to have been the rule.

A simple and direct will follows:

“I, . . . , in the presence of Señor . . . , whom I authorize and empower to write my last will and testament, which he will write as I dictate and he will write as if I were doing it personally, all before L. and M. as witnesses:

“I place all in charge of my administrators and executors and charge them before God and Man to fulfill their administration equally between my heirs, and I request the closing of my administration as soon as this property is arranged.”

Down in Algodones in 1879 an estate of an eight-room house, corral and courtyard was to be divided equally into seven parts, yet I venture to say it was done to the complete satisfaction of all. In fact, in this particular case, the heirs executed an instrument confirming this and it was filed with the executors. Certainly this and many like cases called for an excellent type of tact and diplomacy. There was some personal property in the above case by which adjustments could be made. To one seventh also went 10 goats; to another, 1 burro. This agreement among the heirs was as follows:

“In consequence of the unanimous agreement of all the heirs, it was admitted and agreed by one and all that the division of the said lands would be made beginning at the lower end, which is from south to north, and divided from the oldest to the youngest, according to the age of the heirs. Signed, executed and sealed January 30, 1879.”

In 1896, after the formalities, a will stated:

“To . . . , whom I name as my heiress, and without any obstacle whatever, I leave as all my property an *hijuela* belonging to me.”

Now this *hijeula* was her title, so that what it amounted to was that her house and her lands as shown and evidenced by the *hijuela* were left to the heir referred to. It was a simple and universal method of conveyance in the old days to endorse over the title papers. This idea was here carried out in the will.

From a will executed at Santa Fé is the following:

“I, . . . , a resident of the city and county of Santa Fé, Territory of New Mexico, finding myself in perfect health and entirely in my sane judgment of senses and potentials, fearing that death . . . :

“Declare that I was married according to the regulations of our Holy Mother church, in the first nuptials with the deceased A. B. and there being no children living, all my wife’s property was turned over to her father at the time of her death.

“I declare that I actually find myself married according to the orders of our Mother of the Holy Church, in second nuptials with my wife L. M.

“I declare that to A. should be given the land of the Voca Calla.

“I declare that to B., my brother, should be given the corral and shed situate on the east side of the House of his residence and besides that eight oxen and eight cows, of which B. C. has to pay from what I have given him as undivided property.

“I declare and ordain that to C., daughter of D., be tendered a room and half of the hall in which E. actually lives, situate on the west of the room assigned to F’.

“I declare and constitute my wife, A., as my universal heir of all my real estate and personal property, so that she will possess, enjoy and use forever all my real and personal property and chattels, furniture and credits that are due me, at the time of my death, after delivering and paying the orders above made by me above mentioned and my debts that I lawfully owe.”

One will carried this admonition :

"I do not disinherit the children that have absented themselves from their home, but I hope they will return home with repentance as the Prodigal Son had on returning to his father's house. I advise all my family to preserve in their hearts during their lives a holy fear of offending God and to care for and protect their mother to the end of her life. To my grandchildren also, I ask them to look after their mother so they will care for them."

Another of about this period recited that his wife had brought nothing to the matrimony and never received anything. That the testator had inherited the property willed from his deceased parents or had acquired it subsequent to marriage. That he had 12 children whom he acknowledged as his legitimate heirs and that he wished that the property of which he died possessed should be divided equally among them.

Often wills carried specific directions as to certain tracts. One directed that land in La Ciénega Postura be used to defray the expenses of the last illness and funeral. In the same will, a place of "The middle" was also disposed of. Two were to receive it but it was acknowledged that four others each had a tree in that area.

Another very reverently recited his faith and declared he was owed by no one and owed nothing except his soul to his God, who had created it and as pertaining to him alone. The total cost of the funeral was \$68 and 4 reales, and a particular lot was sold to cover this. Then the administrator worked out an intricate distribution. One share was one *viga* of the house; three *cuartas* of land, eleven *reales* in cash; five and one-half *varas* of land in El Tanque.

This was covered by an *hijuela* signed and delivered by the administrator and became thereafter the basis for the legal title in the particular heir.

Often a will recited what the testator brought to the marriage. In 1852 a woman listed it as: two mares, one

not broken, one colt, one cow, one bull, one box, a four-room house and kitchen utensils. Then she states that, after her husband has withdrawn his corresponding paternal and maternal tutelage and inheritance of the property acquired during marriage, equal parts were to be used to pay rights and bequests of this her testament and the residue was to be divided.

In 1861 by will a man declared his entire estate to consist of certain land, a four-room house and porch, an oven, a burro, farming tools and furniture. Of this he left a *valso fete* or curve of land in land by the road to a woman for her honest services.

A curious statement based on a verbal will was executed by the two administrators. It follows:

"Know all by these presents, how we, the children and sole heirs of our deceased father, who left this temporal life and passed to the mansion of the just, as we hope; This happened September 8, 1895, between 11 and 12 of said day, and to fulfill and execute his last will and to draw up same, we have come together peacefully and harmoniously on this 4th day of October, 1895.

"So declared deceased, my last will is this before God and all present, A. and B. as witnesses of this declaration.

"I declare being seriously ill but sound of mind and of complete judgment. I declare to have seven children whom I name and acknowledge as my lawful heirs."

Among the bequests was the large tree in the center and the part he possessed in the tree at the west end. He left to be agreed among them by equal division four large horses, one small one, one burro, one wagon, one set of harness, two plows.

All this was signed by those designated by the deceased to settle his estate. Then follows the worked-out distribution which the several heirs signed with the further statement that they were contented and satisfied.

In an 1861 will the testator asked a humble funeral; nevertheless, it was stated a grand one was given. The heirs all agreed to this and certain tracts were sold to cover

the expense. Then the partition of the residue was agreed upon and a statement in detail signed by all.

In 1815 after the formal statement a will recited in detail the possession of two house rooms, some land, five pictures, three mattresses, four chairs, one stove, two carpets, one box, one set of harness. Among the bequests were to one four chairs and a wardrobe; to another the harness and box; to another a cupboard, one chair and one table.

Nearly a century later we find a will of all property conditioned on care and the defrayal of all expenses of sickness and death; also the assuming of any indebtedness. In this three rooms and five trees were left.

An undated will, but probably old, acknowledges that the testator's first wife brought to the marriage "100 steers, over 400 head of minor cattle and seven mares" and that he had delivered them and their augmentation to the children of both this and a subsequent marriage.

An old will of 1758 first makes provision for funeral expenses, including masses and shroud; then she declares her marriage, her nine children, and the fact that neither her husband nor herself had any property upon marriage. Considerable was acquired after and all equally divided among the children.

In an 1833 will, among other things, the testator declared possession of a mill and the fact that two other men had contributed to the purchase, one with seventeen sheep and the other with four. This debt was ordered paid.

In 1854 the testator acknowledges he had never been married. He possessed half of a house and four and one-half varas of land and he left it to his brother who had cared for him since his mother died.

A will of a seventy-four-year-old man states: "Being well disposed, of sound mind and memory, not acting in bad faith or through malice or fraud or influenced by any person whatever, I order my body to be buried according to my means and standing, condition of life and the circum-

stances of my estate." Among his bequests were three trees to be equally divided among nine heirs.

In most wills specific mention was made both of the body and the soul. An example of this: "I send my soul to God who created it and my body to earth from whence it was formed." He goes into much detail as to his marriages. He left a considerable estate and in one bequest of 500 ewes he states they shall not be chosen but as they come out of the pen. He divides equally among four sons, two houses of eight rooms, a fruit bearing orchard, three post corrals. Other bequests follow where the division must have been equally difficult, but the whole seems to have been appraised, then totaled, and a solution thus worked out.

I have seen but few Indian wills. There was one executed in 1873 before the governor and council members of one of the pueblos. This was in part as follows:

I declare to have been married to . . . and had one daughter . . . deceased.

"I declare to have been married a second time with A. B. and had one daughter, C. D. She is living.

"I also declare to have 6 portions of land. I leave my daughter four of these portions of land.

"I also declare to leave my son E. F. 1 portion of land.

"I also declare to leave my little brother another portion of land.

"I also declare to have plum trees, 1 apricot tree, 3 apple trees, 1 peach tree. I leave these to my daughter.

"I declare to have 4 rooms and 5 metates; I leave these to my daughter.

"I also declare to have a bull, a donkey, an iron spade, a white bed spread, 1 axe, 3 hoes, 1 pick axe; I leave all to my daughter.

"I declare to have a carbine which I leave for my funeral expenses, if God calls me.

"I also declare to leave my daughter in guardianship of my uncle H. F.; also all her inheritance as expressed in this will.

"I also declare to name my uncle as my administrator to comply with the disposal of this my Last Will and Testament.

"In testimony thereof I signed in the presence of the Governor of this Pueblo and two witnesses that were for this purpose requested."

A will of 1907 leaves two trees to a son and twenty-six trees to a daughter, together with the land that the trees occupy. The land not occupied by the trees is equally divided among all of the heirs.

A 1785 will among other things bequeaths the "long field for the good of my soul" and the balance of the land and the house is divided equally among ten heirs.

An 1818 will states: "I order my slave XY be given her liberty upon my death."

A will of 1793 signed by the nephew at the request of his aunt makes full disposition of all of her property.

A will in the Picuris section, executed in 1899, provided: "I declare it is my will and the will of my children that XY, my grandchild, will share the rights of my property equally with my children."

Another, not dated, leaves a wagon to be equally divided among the children.

A will of 1882 leaves to A. B. five fanegas and nine almudes of wheat.

A will of 1869 recites: "I declare to leave to my wife all of my property in payment of a tutelage she received from her parents and which I spent and so I leave to my wife all of my possessions, my children not to have any claim, as all is in payment of a debt that I owe my wife."

A will of 1871 recites: "I declare to have my dwelling house of six rooms with five doors, one a double door with locks and keys, and three windows." This was near Española.

A more recent will sets forth that "finding myself, by Divine Will, sick in bed and fearing death, the natural end of all human creatures, and after due thought and reflection as to how to conscientiously avoid any dispute and suit that for lack of clarity may arise after my demise, I declare, etc."

An 1887 will sets forth, in the form so frequently found, "I commend my soul to God, our Lord, who created it. I commend my body to the earth, from whence it was formed."

A will of 1852 of an old lady states: "I have been left alone on my ranch and without anybody to care for me, and meditating with good judgment the hopes of life or death and my duty toward my niece, that she left her property out in the sun and open to humanity and came to take care of me during my life, which fine sentiment in her I admire and give due and legal merit to."

A will of 1889 states: "I order my body to be buried and that my funeral be made according to the will of my wife."

In a will of 1898 the testator sets forth that she took twenty varas, one iron skillet, one metate and a crucifix when she married and that her husband brought twenty-three varas of land, twenty ewes and five steers.

A will of 1810 acknowledges that his wife brought into the marriage community one cow, one yearling calf, one bull, one horse.

A 1768 will declares that XY of El Paso owes testator a *cholula* cloth coat of the best quality and woolen trousers with their trimmings and a piece of linen which he orders collected.

In an 1828 will it is stated that he had received an inheritance of his wife of a dry cow, spurs, a bridle, two ox-hides, a mattress, five sheep and a cornfield. He directs that these be made up to her. He further orders that 139 hard dollars be paid his wife because after they were married, from the work of both, they paid \$278 of debts incurred before he was married.

A will of 1862 states: "I direct that all the men servants whom I have in my employ, be the amount which they owe me at the time of my death what it may, shall be released."

An 1812 will provides: "I direct that the slave XY, whom I hold by written title be emancipated."

The testator in a will of 1820 acknowledges that his age is 112 years, 10 months, 26 days.

HIJUELAS

One authority defines an *hijuela* to be:

(a) An inventory, a catalogue of the articles which belong to the estate of a deceased person.

(b) Schedule or inventory delivered to parties entitled to distribution of the estate of a person deceased, containing an exact amount of their distributive share.

(c) A small drain for drawing of water from an estate.

Many more and varied definitions were given to this word, so only by examples can its full use be shown. I have seen it take the form of a schedule signed by the administrators of an estate. Again it was a receipt given to these officials for a distributive share. Again it was a writing signed by all the heirs and providing a definite method of distribution. However, whatever form it took, it was called an *hijuela*. The wide latitude given in its original meaning has been expanded with time in its colloquial use until it has come to cover many forms. A good example of the *hijuela* follows:

We, the undersigned, administrators of the estate of . . . deceased, certify that we have delivered to A. B. the following donative as per order in testament as follows:

One half of the sala from center of double door eastward;

One half of porch, beginning division in center of door southward;

The room of the board, El Cuarto de la Tabla;

Two more rooms formerly pertaining to L. M. bounded: north, placita of Los Lujanes; south, ingress and egress; east, land known as La Tapia, the wall; west, donative of YZ.

Signed H. L.

B. J. administrators."

Under the same estate and by the same administrators there was given to another heir the following :

“The little room and one-half of sala from center of double door westward.

One half of porch from right side of door of the sala southward. Together with all improvements, rights and privileges to the same corresponding, as much in law as in equity, to him, his heirs and assigns forever.”

Out in Pojoaque in 1881 an *hijuela* was given for four and three-quarters varas and four fingers of land in La Cerca; nine varas and four and one-half fingers of the land of the six *álamos*; one and three-quarters varas and four fingers of the land of the house; four vigas of the house and free ingress and egress as to the rest of the heirs. This had been received from certain executors named. The *hijuela* closes with the statement: “all this I received to my entire satisfaction and contentment and for the validity of this *hijuela* I give this present on July 11, 1881.”

Another *hijuela* some years later recites that signer had received from an estate mentioned eleven vigas of a house and the corresponding walls; *chorreras* as far as the road on north, south and west parts, same as the *chorreras* of the house and also pertaining to the rest of the heirs, including road leading to the corrals.

Six vigas in La Sombra with five yards of *chorreras* on north and south side; personal property, one mare, one cow, some furniture.

Some fifty years ago another *hijuela* recites how the signer's mother had left her and she received fifty varas of land in the place called Las Joyas, which was bounded as given in detail.

Another acknowledges fifteen yards for pathways, eighty-two logs, and one-half of a mattress.

Another, five apple trees and the ground where each is planted; also a cow.

Another, three vigas in sala of a house; two vigas in porch; one viga in store room; two detached vigas; free in-

gress; one apple tree; fifty-three posts; \$2.70 in cash; twenty-three varas in El Rancho; twenty yards in El Barrial.

In 1837 seven heirs agreed to stand by the following, in court and out:

The large room of the house was divided among three; three received each one viga of the porch; one received eight vigas of house; another received two vigas of house; another received six vigas in kitchen; another received six vigas in porch. All divided the 245 varas of land equally.

Sixty years later, we find the receipt by one heir for two vigas of a house and a tree with its ground and three tracts of land varying in width from two to seven yards. To another two vigas and two spaces in sala of house, two vigas of porch and an apricot tree and the ground.

In 1877 there was executed a very detailed *hijuela*. It not only gave the areas to be distributed but also their values. To one heir two vigas of house, value \$2; sixteen varas of land, value \$7.67. To another heir, among other items, there appear four varas in La Ciénega de Jacona, value \$1; twenty-three and one-half varas in La Cerca, no value given; one and one-half varas in Abrevadero, value \$.25; three trees, value \$1. To another, four apple, two peach trees, lot and fence, all value \$2; corral lot, 8x23 varas, value \$1. This heir received a list of articles valued at \$5. It included a chisel, a catachism, a demijohn, a barrel, a spindle, a loom, a table and two chairs. She also received a part of a wagon and four cedar posts, value \$.50 and also a pair of stirrups, a whip and a rope of like value.

In another *hijuela* involving many heirs and much detail, the share of one was thirty-eight and one-half varas and four fingers of land in seven pieces; six vigas of the house; one door; \$2 of the soil; one post and five more in the corral; one forked post; one picture. The other heirs received much the same amounts, although they differed a bit in their detail. For example, to one were added a

crucifix and a forked post in the corral. To another, one window of the house; to another, one door of the house.

A subsequent *hijuela* exempted trees on land from the distribution, conveyed rights to a well; one foot in the frame room; one yard, seven inches in the wagon shed.

An *hijuela* of 1889 among other things disposes of a tract twenty-one inches wide.

An *hijuela* of 1896 signed by the heirs simply states they have received their rightful shares in the estate and that they are satisfied and content. There are no details.

An 1870 *hijuela* sets forth that the heir is entitled to \$162.25 for his paternal share; \$17.50 for improvements; \$101.27 for his maternal share; \$17.50 for improvements, and he is paid 101½ varas of land, a three-room house, court yard and corral; mares, oxen, cows and other personal property.

An 1889 *hijuela*, together with land provides for one room of six vigas and two and one-half vigas in an outside room and two vigas in the sala.

An undated *hijuela* distributed to one heir twenty-nine posts in a cow corral; twenty-five posts in a goat corral; two varas three and one-half inches of land in one place; one vara, one and one-quarter feet in another; two feet, one-half inch in another; one foot, three inches, two lines in the house; eight inches in another room.

An 1883 *hijuela* disposes of two vigas in a house and one viga in the *mielero* or molasses place, together with various pieces of land.

An 1896 *hijuela*, among other things, allots \$5.85 in cash; six ft. three inches in house; four ft. three inches in porch; two ft. eight inches in a little house, four ft. two inches in a post corral.

And so one might go on without limit, building up one more source of fascination to the student of the life of the Southwest. Much would be in the nature of repetition; all would be worth the effort put in. Because the greater the knowledge of one phase of life of these interesting times, the better the understanding of it all.

REVIEWS

Givers of Life. By Emma Franklin Estabrook. (University of New Mexico Press, 1931. \$1.25.)

The dividing line between history and archaeology is vague at best. In the American Southwest it hardly exists. There is an overlapping and an interdependence which make the two studies merge into one. The archaeological background is necessary for the understanding of history. On the other hand, the archaeologist finds much of his material in the documents of the early chroniclers.

The Indian left no written records. The world's first concepts of the Red Man came from the inadequate and comparatively few reports of explorers; later from the more voluminous reports of traders and soldiers, and from church manuscripts. The Spanish explorer came with the preconceived notion that the American Indians were fabulously wealthy. His disillusionment was severe and biased him. Either he was forced to exaggerate to save his own face, or he was gullible in the extremes of a hope that was becoming desperate. Those who came later saw in the Indian a heathen to be converted, a simple savage to be exploited, or a menace to frontiers to be subdued. In every case, there was much to make prejudice and inaccuracy, and little incentive to true, objective, or sympathetic study.

From such sources, and from the romancers, the world got its first pictures of the Indian. As often happens, the first impression was strong. In view of the fact that there has been little to modify it in the popular mind, the generally accepted "Red Man" is still primarily a savage, a warrior, a raider, a scalper, and quite generally a pretty bad fellow.

Those who studied a little further have often inclined to the other extreme, and have idealized the Indian as primarily a poet, a philosopher, a dreamer and the possessor of religious ideals far superior to those of the races which have taken his place over much of the American continents.

For the past two decades scientists have studied the Indian rather intensively. They have gone about the work with an objective, disinterested viewpoint, attempting not to confirm preconceived notions, but to gather data and, in

the fullness of their labors, to draw conclusions. They have amassed much material, which has been sorted over, and re-sorted. They have discovered just what sort of race the Indian is, his mental make-up, his viewpoint, his material achievements. Unfortunately, until quite recently, most of this knowledge they have kept hidden away in learned books where only the scholar and research worker had access to it.

But in the past few years interpretative books attempting to make this new knowledge and viewpoint available to the less learned, have begun to appear. A notable addition to these is *Givers of Life*.

Mrs. Estabrook has prepared herself for her task through years of study, both in libraries and museums, and in the field among Indians and what remains of their ancestors. She has associated with leaders in the field of archaeology; she has attended summer school camps. Thus she has gained both the scientific accuracy of knowledge, and the living background for her book. She has brought to her task a clear and imaginative style of writing, and she has illustrated the volume with a wealth of photographic material.

The book is a small one but it covers a wide range. It gives a new interpretation to the Indian, one which is entirely constructive. It pictures him as a rational, practical human being, who was yet both philosopher, poet and artist. It catalogues his material achievements under such chapter headings as "The Indian as Builder," "The Indian as an Agriculturist," "The Indian as an Engineer," "The Indian as a Philosopher."

It will be amazing to most readers to see listed the agricultural contributions of American Indians to the world. They make up a large portion of the present agricultural wealth of the world, including such items as corn, tobacco, rubber, turkeys, and many others less well known. The idea that agricultural activity among Indians was confined to only small parts of the two continents is erroneous. A map in Mrs. Estabrook's book shows that there was agricultural development in varying degrees over most of the area which American Indians occupied.

While the author speaks of the American Indian as a racial unit, and of his contributions from every part of the Americas, her emphasis is placed upon the southwestern United States where most of her studies have been made,

and where she has found best preserved the more primitive methods and philosophies of the Red Man. For the student of Southwestern history, therefore, there is much good background to be had from this volume—much that will aid in an understanding of the Indian, far different from that to be had from studying only the early chroniclers.

PAUL WALTER, JR.

American Neutrality in 1793: A Study in Cabinet Government. By Thomas Charles Marion, Ph.D. (Columbia University Press, 1931. pp. 283.)

Who is to be credited with formulating the principles on which our highly praised Law of Neutrality is founded? In his preface, the author of this interesting volume tells us that his study started as an attempt to discover the contributions of Jefferson to this policy, and that the study soon developed into a study of cabinet government. "It became evident," he says, "that scarcely a single principle was added by an individual. They were nearly all the product of joint discussions in a cabinet that contained, fortunately, as divergent elements as have ever been found in any American cabinet." It was the necessity of compromise that produced a "neutral course, . . . more impartial than that which any individual could have found."

The carefully arranged evidence which supports this conclusion should go far in rectifying many misconceptions and, maybe, misrepresentations, which have been advanced by partisans of both Hamilton and Jefferson. On the other hand, partisans of each will find satisfaction in the evidence that neither the English bias of Hamilton nor the great French sympathy and interest of Jefferson controlled their cabinet votes and their actions when the interest of their own country was made clear. On all these matters, which have been subjects of controversy, this study is well balanced, the evidence is carefully presented, and each point at issue is thoroughly annotated.

In a study of cabinet government the diverse positions taken by Hamilton and Jefferson on almost every issue of neutral policy take on a significance that otherwise might be lost sight of. In fact, as one goes through this volume he finds himself led into agreement with the author that it

was the brilliant presentation of the diverse opinions of Hamilton and Jefferson that enabled Washington and his cabinet to pursue a truly neutral course.

The method adopted by Washington of having his cabinet submit in writing their views on the problems of neutrality confronting the young republic made it necessary that each opinion be well thought out and logically presented. The well known bias of both Hamilton and Jefferson and their chronic opposition to each other, resulting from their conflicting economic, social, and political theories, stimulated the keenest analysis of each problem. Above this conflict of master minds devoted to a solution of the problems of neutrality was Washington of whom it has been said, "If he had ever harbored a prejudiced thought or sentiment at that time, there is no evidence of its having been expressed." In addition to the objective position of Washington and the unanimous desire of his cabinet for neutrality, the saving factor is to be found in the logical qualities of the minds of both Hamilton and Jefferson, who, when their conflicting positions confronted each other and were thoroughly analyzed in cabinet meeting, were capable of seeing the wisest course.

The method of the author follows the logical sequence of events from the arrival of Washington in Philadelphia on April 17, 1793, to the retirement of Jefferson from the cabinet on the 31st of the following December. The study is confined primarily to the development of the policy of neutral duties, which is the significant contribution of America to the Law of Neutrality and, of course, had to be the first interest of the infant republic if it wished to keep out of the European conflict.

Chapter I deals with the issues involved in the proclamation of neutrality. The following five chapters deal with issues which had to be faced and solved as they arose. The issues involved in the proclamation produced the first series of clashes between Hamilton and Jefferson and indicate the strength and value of Washington's method of using his cabinet. Jefferson opposed the proclamation, not because he believed in the desirability of neutrality less than Hamilton, but because he believed, as he wrote to Madison, that "it would be better to hold back the declaration of neutrality as a thing worth something to the powers at war, that they would bid for it, and we might reasonably ask a price, the broadest privilege of neutral nations." He also believed

that the executive, since he had no power to decide the question of war on the affirmative side, should not assume the power on the negative side. The author finds no evidence that Jefferson lacked sincerity on these points but suggests that these reasons may have been reinforced by partisan motives.

Against Jefferson's profit argument, which profit Jefferson expected to exact from England, Hamilton took the lofty position of questioning its "justice and magnanimity." On the second point, while Hamilton did not publicly declare that the executive had the power to bind congress, he argued that when the country is in a neutral position it is the duty of the executive so to declare it and to enforce the laws of neutrality in order "to avoid giving cause of war to foreign powers." When the arguments were weighed by the cabinet, with Hamilton and Jefferson both present, the vote was unanimous that a proclamation should be issued. In regard to this unanimous vote, the author says of Jefferson, "Once both sides were clearly before his mind, Jefferson the neutral, whose first interest was always America, predominated over Jefferson the French sympathizer."

After the proclamation was published, the next great question that confronted Washington and his cabinet was the policy to be adopted in regard to the existing treaties with France. On this issue both Hamilton and Jefferson presented lengthy and conflicting opinions. The diversity of these opinions lead the author to state, "that neither Jefferson nor Hamilton could have formulated a policy of true neutrality for this troubled year. Yet the presence of each was necessary in order that the unprejudiced Washington could select from the proposals of each the elements of a truly neutral policy. Hamilton's proclamation was necessary, so also would the following of his advice on the treaties have been disastrous."

These two illustrations will give some idea of the method of the author in bringing together the clashes of opinion and the cabinet procedure which enabled Washington and his cabinet to work out those foundation principles which preserved our neutrality and upon which was erected the American Law of Neutrality.

After reading this very interesting treatment of the method by which our first executive and his cabinet actually faced and solved probably as difficult problems as any of our chief executives and their cabinets have ever faced, one is

inclined to the opinion that if some such method of facing and solving problems were the practice of today, it might prove of greater value to the republic than the evasion of issues by the appointment of commissions.

A. E. WHITE.

The Historical Society of New Mexico

(INCORPORATED)

Organized December 26, 1859

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CONSTITUTION

OF THE

HISTORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 19, 1929)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, two vice-presidents, a corresponding secretary and treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors shall have been elected and qualified.

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be \$3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review*.

Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Mr. Lansing B. Bloom, Santa Fe, N. Mex.

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OCTAVIANO AMBROSIO LARRAZOLO

By PAUL A. F. WALTER

Sufficient time has elapsed since the death of Octaviano Ambrosio Larrazolo on April 7, 1930, to evaluate his services to the people of New Mexico who elected him governor in 1918 and sent him to the United States senate in 1928, after having defeated him thrice for territorial delegate to the United States house of representatives and once for justice of the state supreme court. It can now be said that both defeat and victory, disillusionments and incomplete triumphs, came to him because of intense feeling engendered by his fiery and persistent pleas for race consciousness addressed to the Spanish-speaking people of the state. Whether for good or for evil, it is because of the impress he gave his day that the cleavage between the descendants of the Spanish conquerors and colonists and those who came from other states continues to be accentuated in political life and is felt even in business, in the professions, and in social activities. More than to any other partisan leader it is owing to him that the demand by the Spanish-American group for at least one-half of the candidates on the tickets of the two major parties has become a *sine qua non* in every state campaign.

So dominated was Larrazolo by this race separatist idea that he left the Democratic party which had thrice honored him by nominating him for congress, and espoused the opposition party on the plea that "the Democratic

party of the territory, or at least a very considerable portion of it, had manifested a decidedly unfriendly feeling and disposition toward the Spanish-American element in New Mexico to which he belonged.” By an irony of fate, the Spanish-American whom he placed in nomination at the succeeding Republican state convention, failed to get a place on the ticket, and in the ensuing campaign it was the Democrats who nominated a Spanish-American for the governorship who defeated the Republican Anglo candidate. As stated by Twitchell,² “There existed another element of dissatisfaction, which was more subtle in its organization and calculated, if carried to its logical sequence, to cause a disruption of the party and to lead to consequences most disastrous. This was the Larrazolo native-son propaganda which had been most industriously disseminated for more than a year in certain northern counties and like a back-fire it had attained such serious proportions and had made such pronounced impress in some quarters that Larrazolo himself could not block its headway. When the time came for putting into effect the doctrine which he had industriously preached, the results were most unwelcome to the Republicans, even to the chief apostle of racial preference, for, put in practice, it had proved a two-edged sword, encompassing the defeat of the Republican candidate for congress, a Spanish-American, and electing the Democratic candidate for governor.” Further: “The Republican leaders could see no handwriting on the wall when Larrazolo was defeated for the nomination for justice of the supreme court.” As a matter of fact, in the past twenty years no Spanish-American has been elected to the state supreme court. Except for the brief, ineffectual few days of Larrazolo at Washington, no Spanish-American has occupied a seat in the United States senate, and except for Larrazolo’s own two years’ term as governor, and a few weeks during which Ezequiel C. de

1. Twitchell, *Leading Facts of New Mexican History*, II, 599.

2. *Ibid.*, V, 415-417.

Baca occupied the executive office, no Spanish-American has been elected to that high position. It was the reaction from the race propaganda which denied Larrazolo a re-nomination for the governorship and which embittered much of his later life, when both friend and foe apparently questioned his sincerity in any position he took on policies of government and statesmanship outside of his fervent racial propaganda.

As a matter of fact, Larrazolo was a descendant of neither Spanish conqueror nor colonist of New Mexico. He was born at Allende, a small settlement in the southern part of Chihuahua, Mexico, on December 7, 1859, the son of Octaviano and Donaciana (Corral de) Larrazolo, and it was in Mexico that he spent the first eleven years of his life, though hardly cognizant of the storm that convulsed his native country during the years of the Reform and the French invasion of the Austrian Maximilian while the United States was in the throes of the Civil War.

However, Maximilian had been executed and his French minions expelled by 1870 when Larrazolo crossed the border into the United States, a protégé of the Most Reverend J. B. Salpointe, bishop of Arizona. The plastic years of his boyhood were spent in Tucson, Arizona, for it was 1875 before he accompanied Salpointe, who had been advanced to be archbishop at Santa Fé, to the capital of New Mexico, where Larrazolo had two desultory years at St. Michael's College. There he first manifested his forensic powers in class debate and declamatory contests. He returned to Tucson in 1877 to teach school, but the following year accepted the principalship of the public school at San Elizario in El Paso county, Texas. He held this position for six years, at the same time taking a keen interest in Democratic party matters which in 1885 brought him the chief deputyship in the district court and in the El Paso county clerk's office. For a time he also filled the position of clerk of the United States district and circuit courts for the El Paso branch of the western district of Texas.

He resigned in 1886 to accept the nomination on a non-partisan ticket for clerk of the thirty-fourth judicial district of Texas. He was elected, and re-elected, the latter time on the Democratic ticket. The clerkships gave him ample opportunity for qualifying himself for admission to the Texas bar and he received his certificate for admission in 1888, at the age of twenty-nine years. He was elected, and re-elected, state's attorney of the district which he had served as clerk, and it was not until after the expiration of his second term that he planned to become a citizen of New Mexico.

In 1895, at the age of thirty-six, Larrazolo moved from El Paso to Las Vegas, where he opened a law office. His oratorical gift and the friendship of Don Felix Martinez, the dominant personality of the Democratic party in northern New Mexico, soon gained him recognition and plunged him into the turmoil of partisan politics in a day when political methods in San Miguel county were a matter of bitter recrimination throughout the territory. This was during a national Democratic administration and during the term as governor of William T. Thornton, who had been appointed to that position by President Grover Cleveland. In 1896, Harvey B. Fergusson, a Democrat, was elected to congress, Larrazolo taking an active part in bringing about the Democratic victory. This put him in line for the Democratic nomination for congress in 1900, but he was defeated by Bernard S. Rodey, the Republican candidate, the latter receiving 21,557 votes against 17,857 votes for Larrazolo. The latter blamed his defeat on Democratic defection in so-called Anglo counties, where ordinarily his party rolled up heavy majorities. However, the Democrats again named him their standard bearer for congress in 1906, when William H. Andrews, a newcomer from Pennsylvania, defeated him by the narrow margin of 22,915 votes against 22,649. Almost as close was the result in 1908, when Larrazolo received 27,217 votes for congress and his Republican opponent, Andrews, 27,605. The Socialist candidate received

1,056 votes, or more than five times as many as he had two years before. This increase was ascribed to Democrats who were opposed to Larrazolo on account of his race propaganda and yet did not wish to vote for the Republican candidate. Be this as it may, there were accusations of grave irregularities at the polls and Larrazolo brought a contest for the congressional seat. As might have been expected from a Republican house, he failed in his effort to unseat Andrews. It was Andrews who in 1910 succeeded in securing the passage of the Enabling Act, which brought statehood to New Mexico.

While not a delegate to the constitutional convention, Larrazolo's influence helped to write into it strong provisions guaranteeing the rights of the Spanish-speaking voters against disfranchisement and protecting them against discrimination on account of language or racial descent. It assured the use of the Spanish language officially, together with English, for years to come. Larrazolo campaigned effectively for the adoption of the constitution, and as a result of the favorable consideration of the claims of Spanish-Americans by the Republican majority of the constitutional convention, he disavowed his allegiance to the Democratic party in a letter to William C. McDonald, then chairman of the Democratic state committee, and who was soon to be the successful Democratic candidate for the first state governor. The acquisition of the stormy petrel of race propaganda was viewed with misgiving by many Republicans and their prophecy that it would bring disaster to the party, then strongly dominant in the new state, proved apparently to be well-founded, for McDonald was elected governor by 3,000 plurality and every Spanish-American on the ticket, no matter on which side, when pitted against a so-called Anglo, was defeated.

This aroused Larrazolo to even more fervent espousal of the cause which he had made his own. Thenceforth, he gave it whole-souled allegiance, in season and out of season. Indirectly, it was his zeal which resulted in the election of a

Democrat, Ezequiel C. de Baca, to the governorship over his Republican Anglo opponent, but here again the irony of fate intervened, for De Baca died on February 18, 1917, seven weeks after his inauguration, and was succeeded by Lieutenant-Governor Washington E. Lindsey, who thus became New Mexico's war governor.

It was not until 1918, in his fifty-ninth year, that Larrazolo attained his ambition for high political office. But it was not an Anglo whom he defeated, his Democratic opponent being Felix García, who received 22,433 ballots as against 23,752 for Larrazolo. Larrazolo as post-war governor dealt intelligently and open-mindedly with problems that arose. Already his illness, which was to prove fatal eleven years later, had put its mark upon him, but he took vigorous part in the movements of the day. New Mexico shared in the post-war prosperity and while the census of 1920 did not show the phenomenal growth disclosed by the census of 1910, yet there was satisfactory increase in population and in wealth. The legislature which met early in 1919, created Hidalgo county, and with the consent of Governor Larrazolo enacted laws providing for the Girls' Welfare Home, the Child Welfare Board, and the State Health Board, progressive and important pieces of legislation which kept New Mexico in line with much older and richer states in that respect. In the fall of 1919, when a strike of coal miners threatened disturbance and destruction of property, Larrazolo handled the situation firmly. He declared martial law and called out the militia, despite furious criticism leveled at him. A special legislative session, called in 1920 to bring about tax reforms, authorized a revenue commission whose chief accomplishment was to provide a method of assessing mining property based on production.

Governor Larrazolo was an ardent advocate of the cession of the public lands to the states in which they are located. He made vigorous propaganda for this step at meetings of western governors and in Washington, but

without material result for the time being, although the question is still a live one engaging the attention of a presidential commission and of congress. He urged federal aid to farmers and stockmen when, towards the end of his administration, deflation from war prices for livestock and the effects of drouth on agriculture first became manifest.

Larrazolo failed of renomination to the governorship in 1922. In 1924 he received the Republican nomination for one of the judgeships of the state supreme court, but he was defeated at the polls. Those closest to him realized that he felt these set-backs bitterly. However, in 1928 he received the Republican nomination for the unexpired term of the late Senator A. A. Jones, a Democrat, who also had hailed from San Miguel county and who had been a most determined opponent of Larrazolo since the first statehood election. Larrazolo was elected, but his illness had made such progress that he spent only a short time at the national capital. He came home for the Christmas holidays in 1929, greatly weakened. Over the protest of his physician he made his way back to Washington early in 1930 in advocacy of his measure for a federal appropriation and a grant to found a military-industrial school in New Mexico for Spanish-American youths. It was a futile gesture and he returned to Albuquerque, a dying man. He passed away on April 7, 1930, and three days later was buried in Santa Barbara cemetery in the Duke City.

Larrazolo was twice married. His first wife was Rosalia Cobos, their marriage taking place in 1881. She died in 1891, and the year following he married María García of San Elizario, Texas. Two sons of his first marriage and four sons and a daughter from his second union comprised his family. Practically all of his mature years, Larrazolo struggled to secure financial competence. He was devoted to his family, a devout Roman Catholic, and earnest in his admonition to the young to lead exemplary lives. He was an agreeable orator, hardly profound, but with an admirable command of both English and Spanish. In later years his

voice, which had been musically sonorous, failed him often, growing husky when he attempted any lengthy flights of oratory. Larrazolo was of imposing appearance, handsome, dark eyed and black haired until advancing years turned his abundant hair snow-white. Typical of the Latin race, he was as courtly as a Spanish grandee, suave as a diplomat accustomed to the ways and wiles of the world, but always generous in his impulses and gentle in his manner. He had a certain magnetism that swayed men, especially those whom he called his own people. To others, at times, he appeared to wear a mask beneath which he successfully hid his thoughts and dissimulated his real intentions, although seeking to convey an impression of frankness and sincerity. No matter how one views it, Larrazolo made himself a place in New Mexico history which posterity cannot deny him and his influence during the plastic final territorial days and the first twenty years after the granting of statehood will be felt for some time to come.

Born in a foreign country, citizen of two other states before New Mexico adopted him as her son, he struggled through adversity and against bitter prejudices and opposition, attaining the highest political gifts in the keeping of the commonwealth. That in itself assures him a niche in New Mexico's Hall of Fame.

INDIAN LABOR IN THE SPANISH COLONIES*

By RUTH KERNS BARBER

INTRODUCTION

The student of the labor system of the Spanish colonies is confronted with grave difficulties, not because of a scarcity of material but because of the controversial character of the material. Ever since Bartolomé de las Casas wrote his impassioned plea (1540), Spanish writers have tried to defend Spain's policy, while writers of other countries have condemned it. The *Breuíssima Relación de la Destrucción de las Indias* was first published in 1552, and translation into the principal languages of Europe soon followed. The tract became popular immediately, as shown by the following quotation from Antonio de León (1629):

... there is no book which strangers desire more, nor which they seek after with more eagerness and diligence, when they come to the Court, than that of the Bishop of Chiapa; so much so that they have increased its value and made it more difficult to procure. Their esteem of it is not because of its learning and wit, but because of the freedom and harshness with which the author speaks of the Spaniards of the Indies, and of all that they did in their discovery and pacification; minimizing and denying their achievements, and exaggerating and emphasizing their cruelties with a thousand synonyms and circumlocutions; which is what most delights foreigners.¹

Leslie B. Simpson in a recent book very ably sets forth the influence of Las Casas' work upon such writers as John Fiske, Abbé Raynal, Sir Arthur Helps, and Hubert Howe Bancroft.² As Bourne states, "its pictures of ter-

*Thesis presented by Miss Barber at Duke University in 1931 for the M.A. degree.

1. Antonio de León, *Tratado de Confirmaciones Reales*, p. 95, reverse (pages are numbered on only one side).

2. Leslie Byrd Simpson, *The Encomienda in New Spain*, pp. 1-18.

rible inhumanity, its impassioned denunciations of the conquerors, and its indictment of the colonial officials became the stock material of generations of historical writers."³ Priestley, as late as 1929, writes in regard to Las Casas: "His propaganda for the amelioration of the condition of the natives is the best known incident of the Spanish Conquest."⁴

On the other hand, Spanish writers in an attempt to counteract the influence of Las Casas have attempted to prove that the administration of the Indies was characterized by a spirit of love and protection. The *Confirmaciones* by Antonio de León was written for the express purpose of answering the accusations made by the zealous bishop. José Coroleu, a correspondent of the Royal Academy, writing in 1894, gives much space to a consideration of Las Casas; his works, his followers and critics, and his influence. Although he speaks of him as "one of the purest glories of the Spanish church,"⁵ he states that he carried his spirit of love to the point of fanaticism and made statements which he could not prove. Coroleu calls attention to the humanitarian zeal of the Catholic Kings, the legislation for the welfare of the Indians, and the establishment of the office of Protector of the Indians. He quotes the following passage from Cieza de León, author of *Crónica del Perú*, the first part of which was published in Seville in 1553:

The government of the dominion [Peru] shines forth at this time in such a manner that the Indians are entirely the lords of their own estates and persons, and the Spaniards fear the punishments which they administer; and the tyrannies and bad treatment of the Indians have already ceased by the will of God, who heals everything by His grace. For this purpose there have been established *audiencias* and royal chanceries, in which are learned men of authority who, showing their

3. Edward Gaylord Bourne, *Spain in America*, p. 257.

4. Herbert Ingram Priestley, *The Coming of the White Man*, p. 119.

5. José Coroleu, *América, historia de su colonización, dominación, e independencia*, I, p. 56.

honesty of purpose, dare to execute justice and have made an apportionment of the tributes in this dominion.⁶

One hundred and eighty-two years after this account of the beneficial effects of the audiencias in Peru, the *Noticias Secretas* were written by Juan and Ulloa, giving their personal observations in the same country. These writers tell of the continuation of the abuses of the Indians and of the corruption of the judges. From the time of the publication of the *Noticias Secretas* in 1826 until the present, this work has been one of the chief sources of information about labor conditions in the Spanish colonies. Such has been its importance that Carmelo Viñas y Mey, in the most recent Spanish work on Indian labor, devotes an entire chapter to the disproving of the statements of Juan and Ullua.⁷ Ruíz Guiñazú, writing from Buenos Aires, mentions the "extreme youth of the authors, for Ulloa was nineteen and Juan, twenty-two." He states that their testimony is of "very relative value"; that they never questioned the *oidores* alluded to; that there is not mentioned any person of authority to certify to the truth of rumor or of the "se nos dice" (it is told us).⁸

Beginning with Las Casas' astounding figures concerning the destruction of the natives of the island of Española, there has been bitter controversy about the extent and causes of the depopulation of the Spanish colonies. Although Las Casas' "millions" have been reduced to "thousands" by historians of recent times, it has been impossible to deny the fact that the number of Indians rapidly decreased in nearly all of the Spanish colonies. The writers who have followed the lead of Las Casas have attributed the decline in population to forced labor, work in the mines, cruel treatment, and disease brought on by abuse and short rations. Spanish writers have emphasized the ravages of

6. Coroleu, *op. cit.*, pp. 58-59.

7. Carmelo Viñas y Mey, *El Estatuto del Obrero Indígena en la Colonización Española*, (Madrid, 1929), Chapter VI, pp. 245-272.

8. Ruíz Guiñazú, *La Magistratura Indiana* (Buenos Aires, 1916), p. 356.

small-pox, the excessive use of strong drink, and the mixture of racial elements. Examples of the use of figures to support opposite points of view are frequent; such as those given below.

Miguel Blanco Herrero says:

The archbishop of Lima in Perú, Fray Jerónimo de Loaisa, took a census of all the dioceses under his jurisdiction, which embraced all of the new dominion [Perú], according to which, in 1551, there were in them 280,000 Indians; and according to the census made two centuries and a half afterwards, in 1793, by the viceroy of Peru proper, Gil Lemus, there were counted six million natives; which proves that, far from the diminishing of the population according to the affirmations of Las Casas, there was an annual increase of about ten per cent.⁹

In a statistical table of the Indian population of Perú from the year 1533 to the year 1911, J. Capelo gives the population of Atahualpa's kingdom in 1533 as 8,000,000 and the census figures of Viceroy Francisco Gil in 1795 as 1,232,122; and he adds this note—"Destroyed almost seven millions of population in two hundred sixty-two years of tyranny."¹⁰

The common practice of those who defend the Spanish Indian policy is to refer to the benevolent legislation. Antonio de León quotes repeatedly from the decrees. Coroleu says:

To the impassioned accusations of our slanderers the following answer victoriously: the official documents issued by our monarchs and their Council, the *Recopilación* of the laws of the Indies, the preaching of the friars, and the works of immortal historians who without prejudice or embellishment relate for us the successes which they witnessed.¹¹

9. Miguel Blanco Herrero, *Política de España en Ultramar*, p. 72.

10. J. Capelo, "La Despoblación" in *El Comercio*, July 28, 1911.

11. Coroleu, *op. cit.*, p. 57.

Solórzano's great work¹² is founded largely upon the laws of the *Recopilación*. In more recent times Viñas y Mey states:

The spirit of love, of protection and tutelage of the natives of America, which is manifested in a series of institutions, of legal precepts, of methods of action and of government exclusively and especially for the natives, which constitute what we may call the *política indiana*: the Spanish colonial policy, from the exclusive viewpoint of the Indian.¹³

The committee which prepared a two-volume work on social legislation in Latin America for the International Labor Office, found in the Spanish Indian legislation many provisions for the protection of the worker; such as, the establishment of the eight-hour day, the fixing of wages, partial indemnity in case of accident, protection of the women workers, and the prohibition of child labor.¹⁴ All of these beneficent provisions, and many others, may be found in the great mass of decrees and laws of the *Recopilación*, but there is great difference of opinion in regard to their effectiveness. The collection of laws is variously spoken of as "an impressive monument of benevolent intentions," "attempted regulation," and a "mass of groping and seemingly aimless legislation".

One of the most fair-minded views of both Las Casas and the Indian legislation is given by Bourne:

Las Casas was the Lloyd Garrison of Indian rights; but it is as one-sided to depict the Spanish Indian policy primarily from his pages as it would be to write a history of the negro question exclusively from the files of the *Liberator*; or, after a century of American rule in the Philippines, to judge it solely from the anti-imperialistic tracts of the last few years. That the benevolent legislation of the distant mother-country was not, and probably could not be, wholly enforced will not

12. Juan Solórzano y Pereira, *Política Indiana*.

13. Carmelo Viñas y Mey, *op. cit.*, p. 10.

14. *Legislación Social de América Latina* (1928), I, pp. x-xi.

seem strange to those familiar with our experience with federal legislation on the negro question; but that a lofty ideal was raised and maintained is as true of the Indian laws of Spain as of the Fifteenth Amendment.¹⁵

The present study is not an attempt to settle the controversial questions about the truth of Las Casas' statements, the extent of the depopulation of the Indies, and the accuracy of the account in *Noticias Secretas*; this would be an impossible task, especially within the scope of a master's thesis. It is rather an effort to give a general view of Indian labor in the Spanish colonies, particularly as revealed in the legislation. Although numerous works have been examined, including those already mentioned, the conclusions are based upon evidence found in the laws and the reports of some of the viceroys.

The background for the *encomienda* system can be found in provisions in *Las Siete Partidas* (Alfonso X, 1252-1284) and in ancient laws quoted in the *Recopilación de las leyes de estos reynos* (1640). The far-reaching effects of the Spanish labor system can be traced to modern times in the labor legislation of the Spanish-American republics. One of the best sources of information for the period of the Spanish domination is *Recopilación de leyes de los reynos de las Indias*, a collection of the decrees of the kings and the council of the Indies which were issued from the time of Ferdinand and Isabella (1479-1516) down to the time when the recompilation was put into effect by a royal cédula of Charles II on May 18, 1680. In the first place, the marginal notes which give the names of the kings and the dates of the issuing of the decrees make it possible to trace the development of the labor system and the progress in the legislation. In the second place, definite statements of facts are given in introduction to many of the decrees, as the following quotations will illustrate:

15. Bourne, *op. cit.*, p. 257.

In many provinces of the Indies, Indians designated for work in the mines are allotted to persons who do not have them (mines) . . . ; we command that the viceroys, presidents, and governors . . . do not consent to this . . .¹⁶

Some corregidores and their deputies have begun to give orders for the assigning of Indians to merchants and others who travel . . . (the Indians) finding themselves obliged to repeat voyages when they have not returned home from the first, occasioning the death and illness of many; we order . . .¹⁷

Some encomenderos in order to collect the tributes, which are not due from single Indians until a designated time, make them marry little girls who are not of the legitimate age . . . ; we command . . .¹⁸

In the third place, the decrees given in *Recopilación* deal with almost every phase of the labor problem in the colonies. *Libro* (book) VI is made up of seventeen *títulos* or sections of laws dealing with the freedom of the Indians, the tributes, the rights of the chiefs, the *encomiendas*, personal service, work in the mines, work on the indigo plantations, and the pay to be given those who worked voluntarily. An intensive study of the four hundred and ninety-five "laws" contained in these *títulos* has revealed the following facts:

1. The distribution of the Indians among the Spanish settlers was definitely authorized by Ferdinand V in 1509, and again by Philip II in 1580.
2. The largest number of decrees was issued during the reign of Philip II (1556-98).
3. There were grave abuses of the Indians.
4. Repeated attempts were made to alleviate the wrongs.

16. *Recopilación de las Indias*, Lib. VI, Tit. XV, Ley iv.

17. *Ibid.*, Lib. VI, Tit. XII, Ley xviii.

18. *Ibid.*, Lib. VI, Tit. I, Ley iii.

5. The abuses continued under the *corregidores* (royal officials).
6. In spite of attempts to abolish them, *encomiendas* continued until 1667. (Later ordinances reveal the facts that Indians were poorly paid and were still being distributed for labor at the opening of the nineteenth century.)
7. The laws were not effectively enforced as shown by the frequent repetition. (One law was repeated ten times at different dates extending from 1550 to 1618.)

CHAPTER I.

ROOTS OF THE ENCOMIENDA SYSTEM

Solórzano defines an *encomienda* as follows:

. . . a right conceded by royal favor to the well-deserving of the Indies, to receive and collect for themselves the tributes of the Indians, who should be entrusted to them for life and the life of one heir, according to the law of succession, with the charge of caring for the welfare of the Indians in spiritual and temporal matters, and of residing in and defending the provinces, where they are given them [Indians] in trust, and of doing homage or giving a personal oath for the fulfillment of all this.¹

Such was the *encomienda* as provided for by law, but the practice of exacting personal service in lieu of tributes became so common that the idea of forced labor became indelibly associated with the *encomienda* system. The definition given in the new *Enciclopedia Universal Ilustrada* gives the generally accepted idea:

Encomienda—A grant of protection or patronage which was given to some person by royal favor over a portion of Indians, to teach them the Christian doctrine and to defend their persons and possessions.

1. Solórzano, *op. cit.*, I, p. 229.

America—A pueblo which was assigned to an *encomendero* in order that he might collect the tributes and take advantage of the personal services which that pueblo should give to the royal crown. Cuba—A trust, charge, or consignment of a pueblo or portion of Indians which formerly was made by favor to the Spaniards to be used by them for the benefit of that one to whom it was entrusted.²

In theory the system was beneficent and had both religious and economic motives. The religious motive of converting the Indians to the Catholic faith is emphasized throughout the laws, but the economic motive of securing a cheap labor supply for maintaining the colonists and increasing their wealth was uppermost in the minds of the *encomenderos* (holders of *encomiendas*). The Spaniards came for gold, the kings demanded tribute, and the class of colonists who came to the Indies could not or would not work with their hands; therefore, Indian labor was necessary for the very existence of the colonies. Although the economic necessity was an immediate cause of the system of forced labor, the influences which determined the distinctive features of the system existed long before the time of Columbus.

The prologue to the report prepared for the International Labor Office gives "the evolution of the conditions of work in America" from the viewpoint of such writers as Unsain, Suárez, and Viñas y Mey. The attention of investigators is called to the "perfect communism" in the empire of the Incas of Peru and corresponding features of the labor system of the Aztecs of Mexico. The "mita" is described as a type of personal service known to the natives before the coming of the Spaniards. "The mita existed for work in the mines, in the fields, for the construction of public buildings, roads, domestic service, etc. Under the Spanish regime the mita was retained, but only for productive functions of public character, and the work was

2. *Enciclopedia Universal Ilustrada Europeo-Americana*, Espasa-Calpe (ed.), Barcelona (1926-1929), XIX, p. 1187.

remunerative and temporary."³ The prologue goes so far as to state:

Various historians and investigators affirm that the native chiefs themselves were the ones who solicited from the government of Spain the right to work in the mines, and that the crown consented because of the economic situation.⁴

It is probably true that the Spaniards adapted the Inca system of group labor to meet their own needs and that certain Indian words were used to designate special types of service. The term *mita* was used especially in Peru where the Incas were familiar with its meaning, but the practice which it represented was not peculiar to that colony. No doubt the name *Yanacona* (a certain type of domestic servant) came from the Indian word *Yana-cuna* applied to the people of a disloyal tribe who were reduced to servitude.⁵ On the other hand, Columbus had made two allotments of Indians to his followers before Cortés conquered Mexico and before Pizarro came into contact with the civilization of the Incas. It is necessary, therefore, to look elsewhere for the roots of the *encomienda* system.

The practice of allotting land to conquerors as a reward for their services was an ancient one. During the period of Roman domination in Spain (206 B. C.-409 A. D.), Rome sent armies into the peninsula and also laborers to work in the mines. Lands were allotted to veteran soldiers.⁶ According to Chapman "the greatest single fact in the history of Spain was the long Roman occupation, lasting more than six centuries. All that Spain is or has done in the world can be traced in greatest measure to the Latin civilization which the organizing genius of Rome was able to graft upon her."⁷ Beard adds: "In fact, Spain followed closely the example of Rome, mother of her civilization, when she sent forth military chieftains to conquer, enslave, rule and

3. *Legislación Social de América Latina*, p. ix.

4. *Ibid.*

5. Sir Clements Markham, *The Incas of Perú*, pp. 163-164.

6. Charles E. Chapman, *A History of Spain*, p. 19.

7. Chapman, *op. cit.*, p. 15.

exploit."⁸ When the Moslems over-ran the peninsula in the eighth century, a fifth of the confiscated land was taken by the state and the rest was distributed among soldiers and chiefs in the Moslem armies. The emirs, in order to reward the services of war, distributed great tracts of land to soldiers, conceding to them the part of the harvest which the state was entitled to receive.⁹ Mariana in telling about the great holdings of the Order of Calatrava (1164) speaks of "encomiendas which were anciently given to old soldiers of that order, in order that the rents might sustain them in honest living."¹⁰ When Jaime I of Aragon conquered the island of Majorca (1229), he distributed land among his Catalán followers. The same was done in Minorca (1232), Ibiza, and the kingdom of Valencia. Although there was no real feudal organization in León and Castile, the kings ceded to the nobles, as rewards for services in war, lands populated by servant cultivators. As the Christians pushed back the Moslems and gradually gained control of the entire peninsula, the confiscated lands were distributed among those who helped in the conquest. The term *encomienda* was applied to special grants as early as the fourteenth century. A law dated 1380 states that no one except the king may hold *encomiendas* in abbatials, and another one of the same year forbids the holding of cities or villages in *encomienda*, because of these the king is the only *comen-dero*.¹¹ A law of 1390 prohibits the holding of monasteries in *encomienda*.¹²

The word *encomienda* had a connotation of personal service because of the ancient custom of "commendation" by which a poor man commended himself to a nobleman with the promise to give service in return for protection and

8. Charles A. Beard and Mary R. Beard, *The Rise of American Civilization*, I, p. 8.

9. Altamira y Crevea, *Historia de España y de la Civilización Española*, I, p. 264.

10. Ivan de Mariana, *Historia General de España* (Madrid, 1678), I, 376.

11. *Recopilación de las leyes de estos reynos* (1640), Lib I, Tit. VI, Ley vi.

12. *Ibid.*, Lib. I, Tit. VI, Ley viii.

13. *Ibid.*, Lib. I, Tit. VI, Ley vii.

sustenance.¹⁴ Free labor was associated with the grants of land which were given by kings. Among the early peoples of Spain, before 206 B. C., there were serfs, the property of the state, who were dedicated by overlords to the cultivation of the fields, to work in the mines, to domestic service, to industry, and to minor administrative duties.¹⁵ Under the Romans there were *colonos*, laborers who cultivated the fields for others and who could not abandon the land. In Visigothic Spain (409-713) there were few people completely free; during Moslem rule state holdings were reallocated to Spanish serfs; and later the conquered Moslems were forced to labor for Christian overlords.

Two types of feudalism existed in Spain during the Middle Ages; the traditional type introduced into Aragon, Navarra, and Catalonia from France, and that of Leon and Castile where nobles were less independent of the rulers. In Aragon there was an excessively privileged feudal nobility, who had despotic power over the servile classes. Chapman states that as late as the period, 1516-1700, in Aragon, the lords "still possessed seigniorial authority, accompanied by the irksome incidents of serfdom; required personal service; collected tributes of medieval character; exercised paternal authority; and had power of life and death."¹⁶ In Leon and Castile there was "much of feudalism without a real feudal system." Ownership of land was granted unreservedly, but the rights of sovereignty were usually retained by the king. After the middle of the thirteenth century, there was a development toward national unity and centralization of power. Throughout the peninsula the power of the nobles declined with the rise of a middle class and the growth of cities, but in Aragon feudalism continued, in a modified form, down to the opening of the era of discovery. With the marriage of Ferdinand of Aragon and Isabella of Castile in 1479, the influences of the

14. Ephraim Emerton, *An Introduction to the Study of the Middle Ages*, pp. 251-252.

15. Altamira, *op. cit.*, I, pp. 68-69.

16. Chapman, *op. cit.*, p. 273.

two kingdoms blended in the development of the Spanish nation. Castile, however, had the stronger influence upon the American colonies because the early settlers were drawn mostly from that province. For this reason we find in the *encomienda* system many of the characteristics of the semi-feudalism of Leon and Castile.

According to Altamira the elements of feudalism of other countries of Europe were: donation of land made by the king to a noble in payment for services or with compact of military service; establishment of fidelity between vassal and lord; irrevocability of the donation, which was given as hereditary property of the former with the reservation of certain rights to the lord; recognition in the vassal of all rights of jurisdictional sovereignty over the land which he received, thus confusing the private possession of the soil with political power over the inhabitants of the land. He states that feudalism in this form never existed in Leon and Castile; there was not the concept of *soldado* nor was the grant conditioned on military service except in rare cases. The king made the donation in property absolute but without the grant of sovereignty. At times the power of judging freely was given but by special favor, and then it was limited; no prison was permitted in the holding, and serfs could appeal to the king.¹⁷ It is interesting to compare this system with that which existed in the Spanish colonies.

Although the grants were not conditioned upon stipulated terms of military service, there was an obligation to defend the king, both in Castile and in the colonies. Some of the provisions of *Las Siete Partidas*, a collection of regulations prepared under the direction of Alfonso X (1252-1284), are as follows:

As soon as the new king begins to reign or at the latest within thirty days, there should come to him all those who have castles in their power by donation of other kings, to do him homage for

17. Altamira, *op. cit.*, I, pp. 313-314.

them; but if there should be some hindrance to their coming in the above said time, they ought to have another nine days. And after one, thus there would be in all forty days; and the homage which they must do for these castles is that they make war and peace at his command, that they receive him in them when he should wish to enter there, and that his money be current there . . .; those who maliciously should not wish to come to do homage or to fulfill their obligations to the king for these castles, as abovesaid, they may be taken away from him and never given back afterwards.¹⁸ . . . those who hold them [castles] in hereditary right ought to have them cultivated and furnished with men of arms . . . there should not come any harm to the king or to the kingdom.¹⁹

Solar gives an encomienda oath found in the archives of the Cerda family:

Oath of don Alonso Campofiro de Carvajal on taking possession of the encomienda of Ligua.

In the city of Santiago de Chile, October 8, 1638, Before me, the scribe of His Majesty and of the government, there appeared the *maestro de campo*, don Alonso Campofiro y Carvajal, and swore to God and the cross, in the form of the law, and did homage according to the *fuero* of Spain to be a faithful and loyal vassal to the king our lord and his successors in these and the rest of his dominions, and to place himself under the royal standard at all times that he might be called and to defend it even to losing his life, doing all that a good and loyal vassal of His Majesty is obligated, under penalty . . . of losing his encomienda; and at the conclusion of said oath he said "I swear, and amen"; of which I give faith. Before me—Domingo Garcia Corvalan.²⁰

18. *Las Siete Partidas*, Segunda Partida, Tit. XIII, Ley xxii.

19. *Ibid.*, Tit. XVIII, Ley i.

20. Domingo Amunátegui Solar, *Las Encomiendas de Indígenas en Chile*, I, p. 70.

In the *Recopilación de las Indias* are found these provisions:

Also we make a favor to the encomenderos of the rents which they enjoy in encomienda for the defense of the land, and for this cause we command them to have arms and horses, and in greater number those who enjoy the largest grants; and thus it is our will, and we command that when there be offered occasions for war, the viceroys, audiencias, and governors shall compel them to go out to the defense at their own expense, distributing it [the expense] in such a way that some may not be burdened more than others and all may serve; . . . and if the encomenderos should not get ready, or should not want to go to the defense of the land, when occasion offers, they should take away the Indians and impose the penalties for what they have committed, for having failed in their obligation.²¹

Within four months . . . computed from the day when the encomenderos receive the *cédula* of confirmation of the encomienda, they shall be obliged to have and must have horse, lance, sword, and other offensive and defensive arms . . . on pain of suspension of the Indians which they have in trust.²²

As in Castile rights of sovereignty were retained by the king and the serfs had the right of appeal to the king, so in the colonies there were protectors of the Indians who were to guard against abuses and to report directly to the king and the council of the Indies. *Las Siete Partidas* mention domains given by the king in hereditary right and others given in tenure.²³ Most of the encomiendas in the colonies were granted for one life and the life of one heir, but often the right was extended to three or four lives. Some of the encomiendas were incorporated in the royal crown and were administered by royal officials called *corregidores*. The feudal lords were under obligation to protect

21. *Recopilación*, Lib., VI, Tit IX, Ley iv.

22. *Ibid.*, Lib. VI, Tit. IX, Ley viii.

23. *Las Siete Partidas*, Segunda Partida, Tit. XVIII, Ley i.

their vassals, and the encomenderos were admonished to indoctrinate and defend the Indians and to protect them in their persons and property.²⁴

The system of subinfeudation did not exist in León and Castile as it did in France and other parts of western Europe. Only certain classes of persons were entitled to give fiefs, according to *Las Siete Partidas*: kings, *grandes*, *señores*, archbishops, bishops and prelates.²⁵ Certain restrictions were placed upon the right of lords to dispose of their fiefs; one law states that "according to an ancient *fuero* of Spain, if they should wish to sell or change holdings they ought first to let the king know."²⁶ The obligations to the king were emphasized, and the king was considered the "greater lord." The ruler had the power to expel *ricos hombres* (highest class of nobles) from the country.²⁷ Although the compilation of *Las Siete Partidas* was an attempt on the part of Alfonso X to strengthen the position of the king and is not a body of enforced law, it does reflect the tendency to limit the power of the nobles. Throughout the later *Recopilación* of the laws of the kingdom the same effort to centralize power may be traced. As Merriman expresses it, "Castile yielded to the current that pushed the world toward feudalism, indeed, but did not abandon herself to it."²⁸

In the Spanish colonies of the New World the distribution of lands and portions of Indians to settlers was early authorized. The encomenderos were required to take an oath and to render military service when called, according to old feudal customs. They collected tributes and required all kinds of service of those who were entrusted to them, but their powers were restricted as were those of the feudal lords of Castile. Only certain officials (*adelantado*, gover-

24. *Recopilación*, Lib. VI, Tit. IX, Ley i.

25. *Las Siete Partidas*, Cuarta Partida, Tit. XXVI, Ley iii.

26. *Ibid.*, Segunda Partida, Tit. XVIII, Ley i.

27. *Ibid.*, Cuarta Partida, Tit. XXV, Ley x.

28. Roger Bigelow Merriman, *The Rise of the Spanish Empire in the Old World and in the New*, I, p. 172.

nor, *pacificador*²⁹) had the privilege of making the allotments. The Indians were considered as vassals of the sovereigns, and at first the encomiendas were granted for only one life. Later the law of succession extended the grants to the life of one heir,³⁰ and in New Spain the extension to the third and fourth life was authorized until the year 1607.³¹ The encomiendas which were left vacant reverted to the royal crown. Isabella ordered Columbus to free the Indian slaves whom he took to Spain because no one had a right to dispose of her vassals. Allotments of Indians could not be given to foreigners,³² and they could not be transferred by donation, sale, or renunciation.³³

The encomienda system became such a powerful factor in every phase of the life of the colonists that it may be likened to a great vine with its roots deep in feudalism, its branches intertwining the whole structure of colonial life, its vitality resisting repeated efforts to uproot it, and its tendrils clinging even to the fragments after the Spanish empire had been broken up into many independent republics.

CHAPTER II.

THE SPREAD OF THE SYSTEM

There is general agreement upon the point of the beginning of the encomienda system in the New World by Columbus. In order to encourage settlements, the Catholic kings gave Columbus the right to distribute grants of land and to induce his followers to build houses, raise herds, and plant crops. Antonio de León states that he assigned three hundred Indians to the early colonists on the island of Española.¹ Columbus attempted to start a regular slave

29. *Recopilación*, Lib. VI, Tit. VIII, Ley i.

30. *Ibid.*, Lib. VI, Tit. XI, Ley i.

31. *Ibid.*, Lib. VI, Tit. XI, Ley xiv.

32. *Ibid.*, Lib. VI, Tit. Ley xiv; *Las Siete Partidas*, Segunda Partida, Tit. XVIII, Ley i.

33. *Recopilación*, Lib. VI, Tit. VIII, Ley xvi.

1. Antonio de León, *op. cit.*, p. 2, reverse.

trade in order to defray expenses of further expeditions, but he met with opposition from the queen. When he returned to Spain from his first voyage, he left thirty-nine colonists under Diego de Arana with the request for a ton of gold on his return and spices to bear the expenses for the conquest of Jerusalem. This colony was destroyed by a Carib chief.² On his second voyage "Columbus spent some months in subduing the entire island [Española]; he imposed upon every Indian from fourteen years up, and upon those who inhabited the places where the gold was found, the obligation of bringing each three months the quantity [of gold] necessary to fill a falcon bell. Those of the other districts were obliged to give twenty-five pounds of cotton. The hardship which this payment of tribute imposed upon the Indians was an evil intolerable to men unaccustomed to work; they retired to the mountains, hoping that their enemies would perish from hunger; but they were the first victims, for while the Spaniards received help from Europe they could not depend upon the least help in combating hunger and disease. More than one third of them perished."³ Columbus left a small colony in charge of his brother Bartholomew who imposed new tributes during his absence. On his return in 1498, Columbus found the colony on the verge of civil war because of the discontent of the colonists and the treacherous activities of Francisco Roldán, president of the court of justice. When peace was restored, the admiral appeased the insurgents by granting to each one a tract of land and a certain number of Indians to till it.⁴ According to Antonio de León this was the second distribution of Indians. Roldán was unscrupulous in his dealings with Columbus as well as with the Indians. Complaints about Columbus began to reach the king and queen, and in 1500 Francisco de Bobadilla was sent to examine his conduct. He was sent to Spain

2. James Rodway, *The West Indies and the Spanish Main*, p. 11.

3. Orestes L. Tornero, *Historia General de América desde la conquista hasta nuestros días*, p. 77.

4. *Ibid.*, p. 80.

in chains, and although he was soon set free, he was kept in Spain on different pretexts. Bobadilla made the slavery of the Indians more galling, and forced them to work on the lands and in the mines.

According to the *Enciclopedia Universal*, the first authorization for the distribution of lands in the New World was a *carta patenta* of July 22, 1497, which authorized the *repartos* (distributions) of land among the Spaniards, commanding the *cacique* (chief) . . . or his people to cultivate them, yet protecting the Indians.⁵ The allotments of land were usually called *repartimientos* from the word *repartir* meaning to distribute. The first decree issued in regard to the grants in the New World was made by Ferdinand V in Valladolid on August 14 and November 12, 1509:

The land being pacified, let the governor distribute (*repartir*) the Indians of it.⁶

The term *encomienda* was commonly used to designate the portions of Indians allotted because of the wording of the formula for the patent which was to accompany the assignments:

To you, so and so, are given in trust [*se . . . encomiendan*] so many Indians with a chief and you are to teach them the things of our Holy Catholic faith.⁷

León states that the two terms were used without distinction in Peru but that the word *encomienda* was more commonly used in New Spain (Mexico) because of a special meaning attached to *repartimiento* in that province. In New Spain the expression *repartimiento* was applied to the weekly allotments of Indians for work in the mines and on farms. The pueblos contributed workers for twenty weeks in the year; either the *dobla*, ten Indians for each hundred, or the *sencilla*, two Indians for each hundred.

5. *Enciclopedia Universal Ilustrada*, XIX, p. 1189.

6. *Recopilación*, Lib. VI, Tit. VIII, Ley i.

7. *Enciclopedia Universal Ilustrada*, XIX, p. 1189.

The common apportionment for work in the mines was four Indians for each one hundred.⁸

Nicolás Ovando was named governor of Española and arrived on April 15, 1502, with fifteen hundred persons.⁹ In obedience to instructions from Queen Isabella, Ovando declared the Indians free and prohibited "the requiring of any service without just compensation and moreover restrained the excesses of the Spaniards."¹⁰ Under this new governor the colony gradually acquired the character of regular and flourishing society, but the laws which prohibited the forced labor of the Indians caused some retrogression in agriculture.. "The Indians who considered leisure as the greatest of good benefits refused every kind of recompense in exchange for their work; and then the Spaniards, seeing themselves scarce of hands to explore the mines and to work in the fields, began to complain of the excessive duty which they paid to the crown, which was half of the product of the mines. Deprived of the Indians, without whom they could do nothing, the first colonists abandoned the island; those who came with Ovando were attacked by the diseases of the climate in such manner that in a short time more than a thousand succumbed."¹¹ There was a wave of suicide among the Indians and many fled to the mountains. In order to save the colony from almost certain ruin, Ovando resolved to make a new distribution of Indians, obliging them to work for a certain salary. The Indians, who had been accustomed to liberty for a time, made attempts to recover their independence. The rebellions were suppressed by use of arms, the natives were treated as rebellious slaves, the chiefs were condemned, and many acts of treachery were committed. The Indians did not forget the cruel treatment, and the war of extermination was partly responsible for the depopulation of the island.

8. Antonio de León, *op. cit.*, p. 5, reverse.

9. Otto Schoenrich, *Santo Domingo, a Country with a Future*, p. 13.

10. Tornero, *op. cit.*, p. 85.

11. *Ibid.*, p. 89.

When Ovando received notice of the death of Queen Isabella, who was considered to be the jealous protector of the Indians, he "distributed the Indians among his companions as if they were so many head of cattle. Ferdinand made concessions of the same sort to his courtiers; but as the latter could not make use of them, they transferred them to the colonists. In this manner the exploitation of the mines increased so rapidly and with such good success that there entered into the royal coffers 480,000 pesos in gold as product from the fifth, from Española alone . . ."¹² The Indians were dying in such great numbers that the colony was threatened with ruin. In order to furnish a new labor supply, Ovando transported the inhabitants of the Lucayas (Bahamas) to the home of their ancestors and the new home was pictured to them in such glowing colors that they went eagerly. To quote Tornero again, "40,000 of these unhappy ones went to participate in the sufferings of the inhabitants of the island and to mingle their tears and their groans with those of that unfortunate race."¹³

After Columbus' death in 1506 his son took up the fight for recognition, but he was shamefully treated by Ferdinand. Finally he sent a memorial to the council of the Indies, which had been established by this time, and in consequence was made hereditary viceroy and high admiral of the Indies. Diego Columbus assumed his duties in Española in 1508 or 1509. He possessed the necessary qualities to govern well, but he was hindered by the suspicious policy of Ferdinand, who little by little took from him the greater part of his privileges. The most important prerogative of the governor was the power to distribute the Indians. For this work Ferdinand created a new office, *juez repartidor*, and gave it to Rodrigo de Alburquerque. Columbus recognized the affront; abandoned the country, where his authority was scarcely recognized; and went to Europe with the vain hope of obtaining justice (1517). Alburquerque began

12. Tornero, *op. cit.*, p. 90, et seq.

13. *Ibid.*, p. 92.

to exercise his new right with the capacity of an adventurer. He made a new distribution of 14,000 Indians; there were no more in Española at that time.¹⁴ Large numbers were granted to absentees. According to a report made by Albuquerque the actual number of Indians granted to absentees was 5,250, of whom 1,430 were granted to the crown. Ferdinand continued to ask for more gold, and the Indians were forced to work in the mines. This work was more destructive than the work in the fields, and the number of Indians was rapidly diminishing.¹⁵ The colonists were encouraged by the king to import natives from the other islands and South America. Various orders were made for the protection of the Indians, and attempts at reform were made through the influence of Las Casas and other Dominicans. The only result of these orders was a change of masters, for the Indians were exploited by the priests and officers of the crown to whom they were entrusted. By 1520 the mine-owners and planters were employing negro slaves.

Diego Columbus returned to the colony as governor in 1520, but after a few years quarreled with the *audiencia*, returned to Spain, and died in 1526. The new governor, Ramírez de Fuenleal, was appointed as president of the royal court as well as governor. He succeeded in making a treaty with the leader of an Indian uprising. According to Schoenrich, "by this treaty the Indians, now reduced to not more than 4,000 in number, were freed from slavery and assigned lands in Boya, in the mountains to the northeast of Santo Domingo City. From this time forward there is no further mention of the Indians in the island's history; they disappeared completely by dying out and by assimilation."¹⁶

This last statement is not entirely accurate, but there are few traces of native Indians after the date of the treaty, 1533. The *encomienda* system, however, lasted in Española as long as there were any Indians to be distributed.

14. Antonio de León, *op. cit.*, p. 3, reverse

15. Schoenrich, *op. cit.*, p. 18.

16. Schoenrich, *op. cit.*, p. 20.

Keller states that "in 1548 it was doubtful if five hundred natives of pure stock remained, and in 1570 only two villages of the Indians were left."¹⁷

The *Enciclopedia Universal* makes the following statement:

Eighty years after the arrival of Columbus, in 1572, there were in the island ten settlements of Spaniards with a total number of one thousand *vecinos* [resident landholders]. These were served by natives who still remained, for whom to serve and to die came to be the same thing. There was also an archbishop and a bishop. The population had been augmented by 13,000 negroes whom they tried to substitute for the almost extinguished native race, of whom only two small settlements remained, totalling some one hundred individuals . . . Juan López de Velasco wrote in 1571-1574 that each day the *vecinos* of the recently founded settlements were growing less, "because after the other provinces were discovered people were reluctant to stop in these, because they could not take out gold for lack of Indians. The merchandise passes them by, so they live poor and miserable. There were in these islands at the beginning of the discovery, many Indians . . . in all they are already extinguished, and so there are no repartimientos of them . . ."¹⁸

Antonio de León (1629), in giving a list of the officials who had the power to grant encomiendas, states that the governors of Santo Domingo (Española) had the power, but "for many years there have been no Indians on whom to exercise it, and so it is a useless right, for it never can be reduced to action."¹⁹

The encomienda system, having become firmly entrenched in Española, the first of the settlements, soon spread to the other colonies. The island of Jamaica was discovered by Columbus in 1494, but no effort was made to colonize it until about 1509. The first governor, Juan de

17. Albert Galloway Keller, *Colonization*, p. 266.

18. *Enciclopedia Universal Ilustrada*, LIV, p. 375.

19. Antonio de León, *op. cit.*, p. 40.

Esquivel, was a man of kind and generous heart, and under his rule "the yoke of subjection sat light and easy on the natives of Jamaica." He brought the natives to submission without the effusion of blood; they labored in planting cotton and raising other commodities which yielded great profit.²⁰ Esquivel continued in office only a few years and was succeeded by governors of a very different character. After some revolts of the Indians, Diego Columbus himself came to Jamaica. In 1545 the island was given in perpetual sovereignty to Don Lewis, the son of Diego, as a hereditary fief of the crown (Charles V). Later Don Lewis's sister, Isabella, became sole heiress of the Columbus family, and through her the rights were transferred to the Braganza family, in which family they remained until 1640. In that year the rights reverted to the crown. In 1596 the first invasion was made by the England, and in 1655 the island was captured by an expedition sent by Cromwell.

During the century and a half of Spanish rule, only a hundredth part of the arable land on the island was cultivated. Little actual information can be found about the encomienda system on the island, but there is no doubt about the exploitation of the Indians because they were exterminated within a short time. León states that the right of encomienda existed, and to the extent of a third life. According to Edwards, the native population to "the number of 60,000 on the most moderate estimate, were at length wholly cut off and exterminated by the Spaniards, not a single descendant of either sex being alive when the English took the island in 1655, or, I believe, for a century before."²¹ The *Enciclopedia Universal* corroborates this by stating that in 1560 the native population was almost totally extinguished.

The island of Cuba, after its discovery by Columbus on his first voyage, attracted the attention of the king because it appeared rich. Experience in Española had taught

20. Bryan Edwards, *The History, Civil and Commercial, of the British Colonies in the West Indies*, I, pp. 161-164

21. *Ibid.*, p. 169, et. seq.

the Spanish monarch that it was necessary to retain the Indians to work in the mines if any gold was to be secured; consequently, he insisted upon kindness to the natives of Cuba. In 1510 an expedition was organized under Diego de Velásquez to find out about gold on the island. Velásquez made a good report, and he was named lieutenant-governor with almost absolute authority except that he did not have the power to distribute natives among the settlers. From 1512-13 the Spaniards swarmed to Cuba in the hopes of having assignments of Indians to work in the mines and fields. When Velásquez did not give them *encomiendas*, they became so dissatisfied that there was great civil disorder.

After a rebellion among the Indians and much difficulty with his men, Velásquez finally decided to give the native *Cubeños* in *repartimiento*. He was very cautious at first because he had no authority. He gave the Indians for one month only and stated that they should be paid at the end of the month and returned to their homes. He appointed supervisors and personally attempted to oversee the *encomiendas*. Later the king approved of all that Velásquez had done and named him as *repartidor* to distribute the Indians to settlers. In a *cédula* dated May 13, 1513, Ferdinand gave the following instructions to Velásquez:

I entrust and commit the said distribution to you, . . . and I therefore command you that as soon as you are shown this letter you are to inform yourself as to . . . what peaceful caciques and Indians there are in the said island of Cuba, so that they may be used by and distributed among the residents and settlers there. When you have obtained this information, you will make the said distribution according to your best judgment, first taking care of such officers of ours as may be there now or will come in the future, and then the first settlers and discoverers of the said island, and then those who have *cédulas* from us for the grants of Indians, . . . and then those who you think are most deserving of the said Indians, . . . and who will

best instruct them in matters of the Holy Catholic Faith and will give them the best treatment for the conservation of their lives and health . . .²²

Velásquez did take care of the king's officers first; he granted two hundred head to Cuellar, the king's treasurer, and gave choice allotments to himself and his relatives. Among other settlers Las Casas was granted a repartimiento by Velásquez. The number of Indians decreased so rapidly under the irksomeness of the toil that soon expeditions went out to bring in Indians from other islands. In 1515 Narváez and Velásquez took to the king 12,437 pesos in gold as the crown's fifth, and carried with them a petition from the settlers asking that the Cubeños be given in perpetuity, that earliest settlers be preferred, that a cacique be provided for each village, and that no encomienda be granted to a non-resident. Fortunately Las Casas reached the king first, as he had by this time been converted to the humane ideas of the Dominicans and had given up his encomienda. Through the efforts of Las Casas and others the Jeronymites had been selected to administer affairs in the Indies, especially Española. In response to the petition, Velásquez was referred to the Jeronymites.

The Jeronymites were unable to accomplish much for the alleviation of the suffering of the Indians, and the allotments continued. In 1526 Gonzalo de Guzmán was made *repartidor* as governor. A severe epidemic of small-pox swept the island, and the Cubeños whom war and disease left alive were at the mercy of Guzmán. Later Fray Miguel Ramírez was named protector of the Indians and bishop of Cuba with instruction to investigate charges of mistreatment of the Indians, to regulate employment in the mines, and to carry out an experiment of trying the Indians in self-government. Bishop Ramírez and Governor Guzmán tried the experiment for a month and reported that the Indians were not capable of maintaining themselves in freedom. Manuel de Rojas, who became lieutenant in Cuba in

22. General cédula of Ferdinand, May 13, 1513, in D. I. I., XI, pp. 331-33, taken from Simpson, *op. cit.*, p. 56.

1532, suggested humane policies and was much interested in an experiment village. He finally reported that he believed that the Indians would not accomplish anything unless compelled to work and suggested that it would be wiser to commend them to some resident with the provision that if they asked for freedom it should be granted them for a year. The Indian was to remain free if capable of it; if he did not prove himself competent, he was to be "recommended." Guzmán returned to Cuba in 1535, and Rojas gave up the governorship to him. De Soto was made governor in 1538, but he was more interested in explorations than in Indians.

On August 14, 1543, the crown appointed Juanes de Ávila to be governor of Cuba. The crown was again trying to free the Cubeños from the repartimiento system, and a cédula was sent to Santiago forbidding the use of natives in mining. This order however was not enforced because the settlers argued that it would cause discord. Juanes de Ávila was "equipped with 'judicious' cédulas; Indian slaves taken by force elsewhere and sold in Cuba were to be returned to their native habitats; to hold or to import such slaves was made illegal; governor and bishop were once more declared ineligible to hold encomiendas; individual colonists were not to be deprived of their encomiendas but these ceased to be heritable; Cubeños held by negligent and unworthy Spaniards were to be released from service at once; natives were not to be forced to do work they did not choose to do, except in case of necessity and then for a proper wage."²³ These provisions called forth a storm of protest and Ávila failed to execute them. Subsequent attempts were made to improve the conditions of the Indians, but none were effective until Dr. Angulo arrived in 1549 as governor. On arriving, Governor Angulo proclaimed the "entire liberty" of the Cubeños. Miss Wright states that this pronouncement seems to have had effect because in 1556 Angulo's successor said that he found the Cubeños living wretchedly, abandoned to the

23. Irene A. Wright, *The Early History of Cuba, 1492-1586*, p. 170.

wilderness. The Cubeño soon ceased to exist as a factor in the life of the colony. Edwards states :

There is said to exist on the south side of the island of Cuba, at this day [1801] a small remnant of the ancient Indians. They reside in a little town near St. Jago de Cuba, Iwanee, and have adopted the manners and language of the Spaniards.²⁴

The island of Porto Rico was discovered by Columbus on his second voyage in 1493. In April, 1505, Vicente Yáñez Pinzón was given a patent to explore the island, which had been almost forgotten. The colonists were to remain for five years on contract, and the land and natives were to be apportioned among them. The title to the land was to remain in the crown; one-fifth of all profits were to accrue to the crown. Nothing seems to have come of this. In 1508 Juan Ponce de León was given permission to explore the island. At first the Indians were kept tranquil, living with the Spaniards and helping them in their settlements, mines, and plantations; but the governor, following the method which was observed on the island of Santo Domingo, decided to *repartir* the Indians in encomiendas. The Indians resented the distribution and would have annihilated the Spaniards except for the superstitious belief that they were not mortal. After one of the Spaniards had been held under water until he stopped breathing, then left on the river bank, and they found that he did not return to life, the Indians rose in revolt. It was necessary for Ponce de León to seek aid from Española. Finally the Indians were sent back to the mines.

Cerrón and Díaz, the governors sent by Diego Columbus, gave to each hospital which had been established, one hundred Indians in encomienda. The king ordered that they should treat the Indians well, that the encomenderos should give food, clothing, and lodging to the Indians entrusted to them. After the establishment of the regular encomienda system and the forcing of the Indians to work

24. Edwards, *op. cit.*, p. 170, note.

in the mines, the population rapidly decreased. The number of estates increased and a good commerce was started in pelts, cotton, ginger, indigo, and other products. There were difficulties over the distributions. Later the king sent Juan Ponce de León to build a fort for protection against the warlike Caribs, and at the same time gave him the office of *repartidor*. He was instructed not to give more than one hundred fifty Indians to each resident landholder.²⁵ Ponce de León, under the pretext of vindicating the injustices done by his predecessors, showed in the new distribution favoritism to his friends and soldiers. Vandalism and partialities were renewed and there was constant discord among the encomenderos. The many changes in government and the civil wars caused much suffering and bloodshed on the island. During these years the Indians were the victims of greed, ambition, and jealousies; then came a plague of ants which almost devoured the vegetation. Epidemics of smallpox and syphilis swept over the island. There were so few natives left by the time the New Laws were issued in 1542, that one provision was that the Indians of Porto Rico, Cuba, and Española were to be relieved of all tributes and services so that they might multiply. By 1574 Juan López de Velasco reported that there were no Indians left on the island of Porto Rico to be granted in encomienda.²⁶ In 1775 the historian Fray Iñigo Abad gave the population as 70,250, of which more than 6,000 were slaves who had been imported to replace the natives. Nearly all of the smaller islands of the Caribbean were depopulated by transporting their inhabitants to replace the Indians destroyed on the islands of Española, Jamaica, Cuba, and Porto Rico.

The disastrous effects of the encomienda system were well known before the mainland was settled by the Spaniards. When Fernando Cortés went to Mexico in 1519, he was resolved not to distribute the Indians. The soldiers and settlers demanded some recompense for their hardships,

25. Antonio Valladares de Sotomayor, *Historia, geográfica, civil, y política de la isla de San Juan Bautista de Puerto Rico*, p. 86.

26. Juan López de Velasco, *Geografía y descripción universal de las Indias*, p. 126.

and Cortés finally yielded to them and granted encomiendas. By this time Las Casas and other Dominicans were bringing pressure to bear upon the monarch. In 1523 Charles V called a meeting of lawyers and theologians to consider the question of encomiendas. As a result of this meeting an order was issued to Cortés which read as follows:

Since God our Lord created the Indians free and not subject, it seems that we with good consciences cannot command them to *encomendar* or make distribution of them to Christians, and thus it is our will that it be done.²⁷

Cortés found the order against the will of the conquerors, and since some grants had already been made, he did not publish the order and continued to give encomiendas in trust until the king should command differently. He wrote a long memorial to Charles V, explaining how it would cause the ruin of the colony to take away the encomiendas. Luís Ponce de León was sent to take *residencia* (investigation) of Cortés and to confer about encomiendas. Many *juntas* were held, but the encomiendas were not discontinued. The royal audiencia of New Spain decided that the distribution should continue among conquerors and first settlers, but no one was to receive more than three hundred Indians. In New Spain (Mexico) the practice was started of extending the succession to the third and fourth life. In 1555 Charles V authorized this practice until the year 1607 because of the need of some of the descendants of the conquerors,²⁸ and in 1607 the law was repeated by Philip III. López de Velasco states that, by the year 1574, there were from 5,600 to 5,700 settlements of Indians with 800,000 tributary Indians, not including children, women, and old men not paying tribute. There were three thousand *repartimientos*; 1,500 under the royal crown, and 1,500 private.²⁹ León (1629) reports that Diego Velásquez granted encomiendas against what he was ordered, and that the viceroys of New Spain did not have

27. Antonio de León, *op. cit.*, p. 4.

28. *Recopilación*, Lib. VI. Tit., XI, Ley xiv.

29. López de Velasco, *op. cit.*, p. 91.

the power of granting them. The captain-general of Yucatán was the only one in all New Spain who rightfully had this power, except that the president of the audiencia of Galicia held the power by special cédulas from the king.

The encomienda system was introduced into Peru by Francisco Pizarro, who carried with him an order to distribute the land among the conquerors. In 1540, a distribution was made of all of the land which had been discovered and pacified up to that time.³⁰ According to León the right to pass on an encomienda to a legitimate heir originated in Peru. He claims that before the discovery of Peru the encomiendas were individual grants from the king for services and could not be claimed by an heir unless a new grant were made. The right of inheritance for a second life was sanctioned by Charles V by what is known as the Law of Succession.³¹ The use of the Indians for work in the mines of Peru will be discussed in a later chapter. From Peru proper, encomiendas were introduced into the other parts of the viceroyalty of Peru. By 1574 there were more than two thousand encomenderos in the viceroyalty.³²

Antonio de León, who as narrator for the council of the Indies was in a position to get official information, gives a summary of the encomienda system as it was in 1628. He states that there were two viceroyalties (Peru and New Spain), eleven audiencias, nine presidencies, and twenty-seven provinces ruled by governors.³³ In Chapter VII of Part I he gives the following information about the *facultad* (right or power) to grant encomiendas in the American colonies:

Viceroyalty of Peru.

(Viceroys as successors of Pizarro have power to grant encomiendas.)

I. Audiencia of Charcas.

30. Antonio de León, *op. cit.*, p. 34.

31. *Recopilación*, Lib. VI, Tit. XI, Ley i.

32. López de Velasco, *op. cit.*, p. 337.

33. Antonio de León, *op. cit.*, p. 32, reverse.

1. Tucumán.

It was discovered by Francisco de Villagrà by order of the governor of Chile, Pedro de Valdivia, and was at first under the governor of Chile. Later it was under the viceroy of Perú. Right to grant encomiendas was given to encourage new discoveries. Governors have used the right and still do use it today.

2. Santa Cruz de la Sierra.

It was conquered by Andrés Manso and at first the governor of Chile claimed the power to grant encomiendas here. Later Santa Cruz was declared to be in the district of La Plata and under viceroy of Perú. Governors retained the right of granting encomiendas and use it today.

3. Paraguay.

This was a province of many capitulations and all conquerors had the right of granting encomiendas, which the governors retain.

4. Rio de la Plata.

This was a part of the capitulation of Paraguay, separated a few years before 1628. Each governor retained the right to *encomendar* in his province and uses it today.

5. Chucuito.

It is a *corregimiento* (ruled over by a *corregidor*) under the viceroy of Perú. There is no power to grant encomiendas because the inhabitants are all Indians without any settlement of Spaniards. The Indians are directly under the royal crown.

II. Audiencia of Quito.

1. Yahuarsonco.

It was discovered by Captains Juan Porcel and Pedro de Vergara by order of Vaca de Castro. Afterwards Captain Juan de Salinas conquered it under the viceroy of Perú, with title of *corregidor*. It is not certain whether he had the right to *encomendar*, but his son had the title of governor. The viceroy grants encomiendas.

2. Los Quixos.

Explorers were sent from Quito. There was always the provisions that the viceroys of Perú retained in themselves the right to *encomendar* and they have used it in this province sometimes for three lives. "I have consulted the king about this, and he replied that the audiencia of Quito in whose district it falls should be informed; I am not certain if there is any result." The governors of this province have acquired the right by reason of ordinary capitulation and they grant encomiendas, although the viceroys of Perú claim otherwise.

III. Audiencia of Nuevo Reyno de Granada.

(At first Licenciado Gonzales Ximénez de Quesado, as discoverer, distributed Indians; later the right was held by the president of the royal audiencia.)

1. Popayán.

This province was discovered by Sebastián de Belalcázar, going out from Quito under Pizarro. Belalcázar afterwards went to Spain and secured from the emperor the government of Popayán, Guacallo, and Nebo, with the title of adelantado and the right to grant encomiendas. The governors continue to use the right.

2. Antióquia.

This city was founded by Captain Jorge de Robledo by order of Belalcázar. He tried to usurp rights but was imprisoned by Adelantado don Pedro de Herredia, governor of Cartagena. Juan Cabrera, a deputy from Belalcázar, came and made Bachillir Madronero governor. All of these gave encomiendas, five distributions; one by Robledo, two by Herredia, and two by Madronero. Thus the *facultad* was well introduced and is used by the governors today.

3. Los Musos.

This is one of the most bellicose of all Nuevo Reyno. Different attempts were made at conquest. Captain Luís Lancho founded two cities, Trinidad and La Palma, and had the right to *encomendar*. His successors have exer-

cised the right although they are only twenty leagues from Santa Fé, where the president of the audiencia of Nuevo Reyno resides.

4. Santa Marta.

The governor has the right of granting encomiendas.

5. Cartagena.

This was a capitulación of Pedro de Herredia. The governor had the right to *encomendar*, but the Indians were so few that even the New Laws did not affect them.

6. La Grita.

This was a *corregimiento* under the president of Nuevo Reyno, who exercised the right of granting the encomiendas. Captain Juan Pacheco Maldonado, with the title of governor, spent eight years in pacifying the Indians. It seems that he ought to have the right of commending the Indians because of his conquest to pacify. The ordinance grants that in places which shall be newly settled encomiendas may be granted for two lives.

7. El Dorado.

El Dorado is a place which all seek after, but no one finds. The name is derived from a story about a gilded man. On one of the expeditions to find El Dorado the Island of Trinidad was discovered. The cities of San Joseph de Orino on the island and Santa Tomé on the mainland were founded. Antonio de Berrio made the capitulation under Quesado. All of the conquerors had the right of granting encomiendas and in this region they have been granted for three lives.

IV. Audiencia of Panamá.

(This was called Castilla del Oro, then Tierra Firme. Pedro Arias de Ávila had the right of granting encomiendas and the president of the audiencia "has today, but I doubt if there are any Indians on whom to exercise it. There are a few in the towns of Todos Santos and Nata.")

1. Veragua.

It was discovered by Columbus and he gave twenty-five square leagues to his heirs with the title of duke. It was ceded to the king for sixteen thousand ducats of rent, and nothing was left but the title. In 1535 Philip Gutiérrez explored it and Diego Gutiérrez succeeded in conquering it. Diego Gutiérrez settled Cartago and distributed the land, but the Indians were so bellicose that they never served in peace. The right to *encomendar*, however, was introduced by Gutiérrez and the governor enjoys it today.

V. Audiencia of Santo Domingo (Española).

(The first repartimiento was made by Columbus. The governors have always had the right, "but for many years there have been no Indians on whom to exercise it, and so it is a vain right for it never can be reduced to action.")

1. Venezuela.

The first conquerors left a bad record when the government was taken from them. Governor Juan Pérez de Tolosa and those who succeeded him founded cities and distributed Indians as *pacificadores* which left the right to their successors and the governors enjoy it today.

2. Cumaná.

Captain Francisco Hernández de Serpa who made the conquest was killed by the Indians, but both he and Francisco de Orellano had the power of granting encomiendas.

3. Trinidad.

The governor has the right of granting encomiendas under the audiencia of Santo Domingo.

4, 5, 6, 7, 8. Havana, Santiago de Cuba, Puerto Rico, La Margarita, Jamaica.

The governors early had the right to *encomendar*, but they cannot exercise it because there are no Indians. Jamaica is not under the king, but under the dukes of Vega.

Florida (exempt from the audiencia.)

There were many different capitulations under Ponce de León, Lucas Vásquez de Ayllón, Pámfilo de Narváez, Hernando de Soto, Pedro Menéndez de Áviles. All had the right of granting encomiendas, but none exercised it because the Indians of this province were never pacified. The governor was not subject to the audiencia of Santo Domingo nor to any other but directly under the Council of the Indies.

Viceroyalty of New Spain.

(Fernando Cortés and Diego Velásquez granted encomiendas against their orders. "The viceroys do not have the power of granting them.")

I. Audiencia of Mexico.

1. Yucatán.

The captain-general of Yucatán was the only one who had the right of granting encomiendas, and for many years they were granted for three lives. Francisco de Montejo made the first repartimiento. In 1544 and 1545 the right was used by the governors. This province was under the audiencia of Guatemala part of the time.

II. Audiencia of Galicia.

(The president does not hold the right to *encomendar* except by cédula from the king, as in New Spain. The custom of granting for three lives has been practiced.)

1. Vizcaya.

The captain general does not distribute Indians. Francisco de Ibarra was sent by the viceroy of New Spain with the title of governor but not the power to grant encomiendas.

2. New Mexico.

This province was discovered by Captain Antonio de Espejo and the first settlements were made by Juan de Oñate, but they had no right to grant encomiendas except by virtue of be-

ing conquerors. "Until now there is not much news of this province in the council."³⁴

III. Audiencia of Guatemala.

(Cortés sent don Pedro de Alvarado as lieutenant-governor and captain-general. Alvarado founded Santiago and went to Spain. He returned with many grants of favor, among them the title of adelantado, governor and captain-general, without dependence on Cortés. He had already distributed Indians but he brought back from Spain confirmation of his right and fuller power. Alvarado died in 1541, and a chancery was set up with a president. At first encomiendas were granted in trust, but later they followed the law of succession. The president has retained the right to *encomendar* the grants left vacant.)

1. Honduras.

The Indians were pacified by Captain Alonso de Cáceres by order of Pedro de Alvarado of Guatemala. The audiencia of Guatemala retains the rights.

2. Nicaragua.

This province was discovered by Gil González de Ávila, and Francisco Hernández de Córdoba began the settlement of it. Later Diego López de Salzedo entered Nicaragua from Honduras and distributed Indians at his own will. The right has remained in the president of the audiencia who enjoys it today although there is a governor of Nicaragua.

3. Soconusco.

Pedro de Alvarado first pacified this province going from Guatemala. The privilege of granting encomiendas is still used by the presidents of Guatemala.

4. Costa Rica.

The president of Guatemala grants encomiendas.

34. Priestley states that after 1612 "thirty-five encomiendas were granted in New Mexico for the purpose of border defense though this seems to have been the latest instance of numerous grants." Priestley, *op. cit.*, p. 121.

Audiencia of Manila in the Philippines.

León speaks of "Indians" of these islands which were discovered by Hernando de Magellan. Adelantado Miguel López de Legaspi pacified Luzón and other islands of the group. He had the right to grant encomiendas, but he did not exercise it because he did not live to see the islands fully pacified. Guido de Labazaris, a royal official, was the first to distribute the natives.

Mention is made of audiencias of Lima, of the *Confines* in Central America, and a temporary one in Chile. In the presidencies of La Plata and Quito the viceroy of Perú retained the right of granting encomiendas.

Chile was discovered by don Diego de Almagro. Pizarro gave the government to Pedro de Valdivia with the right to grant encomiendas, which right he used in founding the cities of Serena, la Concepción, la Imperial, and Valdivia. Chile remained separate from Perú, although with some recognition of the viceroy, and the president or governor has always retained the right of granting encomiendas.³⁵

This summary by León shows how the encomienda system permeated every part of the Spanish empire in the New World. López de Velasco states that by 1574 there were about five thousand encomiendas, three thousand in the provinces under the viceroyalty of New Spain, about two thousand under the viceroyalty of Perú, and perhaps a hundred more in the Philippines. He estimates one million and a half tributary Indians, not counting the children, women, old men, and the Indians not pacified.³⁶

35. Antonio de León, *op. cit.*, Part I, Chapter VII, pp. 33-45.

(To be continued)

COMMERCIAL CONDITIONS IN MEXICO AT THE END OF THE COLONIAL PERIOD*

By LILLIAN E. FISHER

At the end of the colonial period commerce, which was part of the economic policy of Spain toward the American dependencies, was still unprogressive. True it is that other countries had similar mistaken economic ideas and upheld the false mercantilistic theories of the age, but no nation clung to them more tenaciously than Spain. In places where the pressure for a more liberal system was greatest, other nations winked at evasions of the law, but Spain carried monopolistic exclusiveness to the extreme, and from the outset the policy of a closed door was maintained relative to colonial markets. The peninsula reserved for itself the supplying of the colonies with articles of necessity and a large part of the food stuffs consumed in America. All commercial relations with the New World were subject to martinet supervision. A rigid system of registration was established to prevent foreigners from taking part in American trade, and emigration to the colonies was limited.

Commerce should have been as free as in the days of the Aztecs, but under the strict monopoly established from the conquest, it could only be carried on by definite persons, in a determined quantity and form, and through certain ports. From such an illiberal basis arose all the legal complications of commerce between Spain and its dependencies. American commerce should at least have been free to all Spaniards, and Spanish industries should have been created or protected; however, merchants could not send their goods to the New World without obtaining a special privilege for this and the cost of such a permit was very high. Inhabitants of the Canary Islands might not trade with America at all. Conditions were deplorable in Spain, industry was ruined, usury in all its forms existed,

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and the coinage was frequently debased. With such a situation, how could the colonies have a better fate? What was expected of them was that their gold and silver should pay for foreign wars, make up all the deficits in the treasury, and enrich individuals.¹

Spaniards or foreigners controlled commerce almost entirely and creoles or American-born Spaniards were excluded from its profits as they were from many other advantages in New Spain. The voice of an unknown writer declared that depriving the creoles in America of commerce was nothing else than to encourage foreigners in it. If foreigners obtained this privilege then Spanish navigators became poor and were compelled to serve under them at a salary as servants; hence neither Spaniards nor persons born in America would be able to carry on any commerce.²

Other countries soon tried to break down the cherished Spanish monopoly by illicit trade. The coasts were infested by the destructive raids of buccaneers, and colonial officials appointed to administer the commercial system were corrupted. The monopoly finally collapsed, for under the best conditions it would have been difficult to continue, since it was contrary to all the normal operations of economic forces. A large part of the profits on American trade went to French and English factories because Spain could not supply more than one tenth of the commodities consumed by its American colonists. Under the famous *asiento* of 1713, Great Britain obtained the right to send one ship a year to trade with the Spanish dependencies. England snapped its fingers at the treaty and, needless to say, the ship never became empty, since it was accompanied by smaller boats which kept in hiding until night when they replenished the larger ship. From that time the maritime nation held an enviable position in American commerce. By 1740 England reaped as great profits from Spanish colonial trade as did Spain itself. Alexander von Humboldt, the well-

1. Pablo Macedo, *Tres monografías* (Mexico, 1905), 12-23.

2. Parecer sobre el gobierno y comercio de las Indias. AGI (Archivo General de Indias), 141-6-4 (sin fecha sin firma). BL. (Bancroft Library).

known traveler, asserted that before 1765 England gained more than 20,000,000 pesos a year from fraudulent commerce.³

After 1763 it was impossible to keep the English out of Spanish American ports. British warships seemed to take special delight in entering important harbors like Havana, Vera Cruz, and Porto Bello, not so much because of the profit to be derived from contraband trade and the love of law breaking, but rather to build up a traditional right of entrance and it was necessary to ascertain the strength and location of the Spanish colonial forces.

Spain's rivals could provide manufactured articles much cheaper than the Iberian Peninsula or its colonies could produce them. Spanish manufacturers had always been handicapped by the wealth of the Indies, since the huge gold supply that poured into the home country caused prices to rise and helped to ruin manufacturers on account of the cheap foreign goods which flooded Spain. By the end of the eighteenth century the volume of Spanish production was almost nothing. After the Latin Americans learned the cheapness of foreign goods, Dutch, French, Portuguese, and English smugglers were welcomed and even the Spanish local officials pretended to overlook their activities. It was realized that goods which came through the legitimate channels were very expensive on account of high freight rates, delays in transportation, and the greed of merchants who often tried to make a fortune on the first cargo sent to Vera Cruz. The colonists therefore began to believe that the restrictive commercial laws which they were forced to obey sacrificed their well-being and they regarded foreign nations as their friends. Worst of all, corruption and evasion of the laws became widespread, thereby lessening respect for the law, which in time became one of the weakest features of the Spanish colonial administration.

British merchants established themselves at Vera Cruz, pretending to watch the traffic in slaves, which was

3. *Ensayo político sobre Nueva España* (Paris, 1836), IV, 151-152.

not very important, but it served as a pretext to introduce other merchandise. They began to take possession of the foreign commerce of Mexico and soon obtained important commercial houses in that country. Later those houses disappeared and were replaced by French and German commercial establishments.⁴

Commercial conditions were rendered more unsatisfactory because of the multitude of irksome imposts, duties, fees, charges, commissions, royalties, licenses, and tributes. An import and export duty (*almojarifazgo*) was required on all merchandise. The usual rates were two and one half per cent on goods going out of the country and five per cent on imports, but this varied greatly under different administrations until it reached seventeen and one half per cent. Goods which passed from one colonial port to another paid from one half to five per cent duty.⁵ There was the *avería* besides, intended to cover all transportation costs, which mounted to fourteen per cent at times. The *almirantazgo* was an import duty established as an endowment for the admiral of the Indies, Columbus and his descendants; the right was given up in exchange for a pension. Nevertheless from 1737 the duty was collected for the treasury on numerous merchandise and was continued until free trade; it was reestablished by Charles IV in 1807.⁶ A tonnage duty was levied on vessels engaged in American trade to defray the expenses of the *consulado* or organization of merchants. At first it was one and one half reales in silver for each ton, however, another real was added later. The duty was not uniform on all vessels; it was graduated in accordance with the importance of the port

4. Macedo, 35-36.

5. Juan de Solórzano y Pereyra, *Política indiana* (Madrid, 1626-1639), 1776. Francisco Ramiro de Valenzuela ed. II, lib. 6, cap. 9, art. 8, p. 468; *Documentos inéditos . . . de Indias* (Madrid, 1864-1884), XIX, 81, 112; *ibid.*, XVIII, 337-339; Herbert I. Priestley, *José de Gálvez* (Berkeley, 1916), 361; Clarence H. Haring, *Trade and Navigation between Spain and the Indies in the Time of the Hapsburgs* (Cambridge, 1918), 84.

6. Macedo, 27-29.

to which a vessel was bound.⁷ The *alcabala* or sales tax, which was ten per cent on merchandise arriving and sold in Spain and six per cent in the colonies, also affected commerce, for it was one of the most abused taxes. The régime of free commerce after 1778 modified some of the burdens of those impositions, but they were later reestablished and prices were kept as high as ever in Mexico. Foreign products were burdened thirty-six per cent of their value upon their arrival at Vera Cruz and, because of colonial imposts, when they reached the consumers the duties were seventy-five per cent. The same thing happened in Europe with colonial products. For example, cochineal paid 41 pesos and 30 centavos on each *arroba* when it reached Spain.⁸

The hated monopolies were extended to articles of common necessity like salt, fish, tobacco, quicksilver, playing cards, stamped paper, leather, gunpowder, snow brought from the mountains for refrigeration, alum, copper, lead, tin, alcohol, and cock-fighting.⁹ All individuals were prohibited to trade in those products, since the profit from them belonged exclusively to the government. The evils of monopolies were increased by leasing them; usually the most powerful persons in the community became the contractors and worked for their own selfish interests to the disadvantage of the consumers. That which was not a legal monopoly was frequently made a monopoly by the clergy and merchants.¹⁰

The monopolies were generally accepted by the submissive people without question, but when the noted tobacco monopoly was formed in 1765 and severe penalties were imposed on contrabandists, a small determined and enter-

7. Miguel Lerdo de Tejada, *Comercio exterior de México desde la conquista hasta hoy* (Mexico, 1853), 14.

8. Rafael Antúñez y Acevedo, *Memorias históricas sobre la legislación y gobierno del comercio de los Españoles con sus colonias en las Indias Occidentales* (Madrid, 1797), 23; Macedo, 29-30.

9. Vicente Riva Palacio, *México á través de los siglos* (Barcelona, 1888-1889), II, 699, 701; *Documentos inéditos . . . de Indias*, VI, 254; *Memorias de los virreyes que han gobernado el Peru* (Lima, 1859), III, 275; Priestley, *José de Gálvez*, 153, 314, 321, 346.

10. Macedo, 37.

prising group of men organized as a secret society to combat it. They had accomplices and friends in the tobacco growing districts and along the winding roads over which the product was transported. Those bold defiers of the law battled even with the troops when this was necessary to defend their interests. But in spite of such opposition, the tobacco monopoly flourished, and contributed to the government from 1766 to 1790, after all expenses were deducted, 52,437,074 pesos.¹¹

Commerce in America was carried on through the consulado which was similar to a modern chamber of commerce. The organization had its own judicial tribunal, consisting of one prior with functions as president and two consuls who were judges. Before this court was held practically ever civil case arising from the trade of the Indies, such as bankruptcies and collection of debts.¹² Those corporations of commerce also had administrative functions which were somewhat confused with their judicial duties.¹³ The consulado, having large sums of money at its disposal, undertook to finance many public works. It likewise worked for its own interests and soon became a closed corporation controlled by a few large commercial houses in Seville which enjoyed a monopoly of trade between Spain and America.¹⁴

By the nineteenth century the consulados did not meet the needs of the American people, since adequate supplies of most of the necessities of life were habitually lacking in the Spanish colonies. This may have been caused by maladministration, the inability of Spain to obtain goods from other countries, or by the deliberate restriction of the supply of merchandise by the consulado to keep prices high. The complaints made against the organization by the later viceroys of Mexico show that the institution was getting beyond their control. Viceroy Linares spoke of

11. Riva Palacio, II, 890-891.

12. *Recopilación de leyes de los reynos de las Indias* (Ed. 4, Madrid, 1791), leyes 2-3, 15, 21-24, tit. 46, lib. 8.

13. Macedo, 25.

14. Haring, 43-45, 136-137.

the many annoying irregularities in the conduct of the members of the body; he implied that its agents sometimes tried to undermine the influence of the viceroy at court. Those crafty men obtained monopolies of certain kinds of merchandise, hid their goods, or went into bankruptcy, and injured the common people by raising prices. Viceroy Marquina objected to the confused condition of the finances of commerce which it maintained.¹⁵ Viceroy Branciforte thought of abolishing the consulados of Vera Cruz and Guadalajara because they had become so aggressive. He believed that it was expensive to maintain three consulados when the one in the capital was sufficient; commercial deputations could be established in the principal cities or capitals of the intendancies. The consulado of Vera Cruz had recourse to the king and ably defended itself by outlining the advantages which resulted from its erection. The viceroy did not succeed in getting rid of the two consulados.¹⁶

For many years Spain's restrictive commercial policy also prohibited coastwise trade between the ports of different viceroyalties, and even between those of the same viceroyalty. Occasionally public-spirited viceroys like the two Revillagigedos used their influence to have the Mexican ports opened to domestic commerce, which was scant because of the irregularity and scarcity of food crops and colonial exports.¹⁷

The monopolistic system did not fulfill the great expectations of Spain, therefore Bernardo Ward, a member of the royal council and minister of commerce, began to advocate free trade as early as 1762. He declared that if commerce were free and all who wished were permitted to go to the Indies, products would become cheap, merchandise would be brought for all kinds of purchasers, greater consumption would result, occupation would be provided

15. *Instrucciones que los vireyes de Nueva España dejaron a sus sucesores* (Mexico, 1867), 310-311, 195-196.

16. Consulta de consejo de las Indias. Madrid, April 2, 1808, num. 9, AGI, 1144 (88-1-7). Audiencia de Méjico.

17. Priestley, *José de Gálvez*. 202; *Instrucciones que los vireyes de Nueva España dejaron a sus sucesores*, art. 119, p. 26.

for the king's vassals, industry would be promoted, and the nation would be greatly enriched. He thought that many things from America were useful for Europe and many European products could be sold advantageously in the dependencies. He added that if the commerce of the Indies were not opened to all subjects of the monarch, all the measures taken for the improvement of mining and industry would not benefit Spain but only serve to enrich its enemies.¹⁸

The first real commercial reform for the colonies came during the reign of the wise Bourbon king, Charles III, who abolished the most vexatious features of the monopolistic system. A preliminary decree for free trade was first applied to the islands of Cuba, Santo Domingo, Puerto Rico, Margarita, and Trinidad, also Yucatán and Campeche, in 1775. They were relieved from many minor and oppressive dues and goods could be sent from or received in nine ports of Spain.¹⁹

In 1778 a period of restricted free trade was inaugurated, since the liberal-minded king Charles III thought that only free commerce among the Spanish Americans and the European Spaniards could reestablish agriculture, industry, and the population to their ancient vigor. For ten years the chief import and export duties on Spanish commerce were removed or modified. The tonnage duty and admiralty duty were abolished, and the *avería* was reduced one half per cent on silver and gold.²⁰ Certain colonial products consumed in the metropolis were exempted entirely from dues. With special permission boats from the Balearic and Canary Islands might go to the Indies. Other Spanish cities besides Seville and Cádiz obtained the privilege to trade with the colonies, and free inter-colonial commerce

18. *Proyecto económico en que se proponen varias providencias dirigidas á promover los intereses de España . . .* (Madrid, 1779), 278 et seq.

19. Decree of Nov. 8, 1775, and addition to it on July 5, 1776, AGI, 1816 (89-1-14). Audiencia de Méjico.

20. Antuñez y Acevedo, 176, 207, 227; *Reglamento y aranceles reales para el comercio libre de España e Indias de 12 de Octubre de 1778*. Madrid 1778, AGI, 1816 (89-1-14). Audiencia de Mejico, arts. 16-17, 22.

was permitted. Goods still had to be brought directly from the ports of Spain and were transported only to Vera Cruz, not being allowed to go directly to Havana or other ports of Mexico.²¹ Merchants of the interior cities who formerly went to the capital to obtain their European goods proceeded directly to Vera Cruz to buy it, and thus avoided a duty of six per cent payable on goods entering the metropolis.²² Merchant ships no longer sailed under convoy, but went out individually without naval protection.

Free commerce, after being tried in the less important colonies, was applied to all parts of Spanish America by 1789. The monopoly enjoyed by the consulado and the great merchants was broken, and many small traders entered the commercial field. Those who previously engaged in monopoly found it necessary to take up active work, accordingly they employed their capital in agriculture and mining, thereby causing those industries to increase.²³ The *ayuntamiento* or town council of Vera Cruz declared that the population of the seaport had greatly increased due to free trade.²⁴ José Pablo Valiente asserted that the valuable measure had given a powerful impulse to agriculture and national industry on account of the ease of consuming their products; it contributed effectively to the increase and perfection of the merchant and naval marine; it facilitated communication with the metropolis; and multiplied productive capital. He added that the bonds between the colonies and the mother country were strengthened by those relations in such a manner that measures were communicated quickly and power was exercised in America with the same ease as near the throne.²⁵ Vicente Basarde said that free commerce marked a glorious epoch in posterity, and

21. *Ibid.*, arts. 4, 43; Lucas Alamán, *Historia de Méjico*, (1849-1852), I, 112; Macedo, 24.

22. Humboldt, IV, 125.

23. Alamán, I, 112.

24. Consultas de negocios seculares. Mexico, 1807, AGI, 1143 (88-1-6). Audiencia de Méjico.

25. Sobre sistema de gobierno de America. Sevilla, Sept. 16, 1809, AGI, 141-5-11. Audiencia de Méjico. BL.

the year when the fleets were abolished should be set down in the annals of the noted events of the kingdom.²⁶ Ramón de Casada believed that free commerce was greatly to be desired, for it was the true means to make a people happy, to cause agriculture, the arts, and navigation to flourish; it would increase the population and banish idleness and vice. He maintained that free commerce in comestibles would be a guarantee against the introduction of foreign products and at the same time the provinces would be benefited.²⁷

A general era of prosperity began, industrial life was quickened, and there was relief for a short time from ruinous taxation. The people began to awaken and realize the limitations and grievances of which they had been the victims during the centuries of unreasonable discrimination and unjust restriction. There was a complete break with the ancient commercial régime and the inhabitants began to become conscious of their powers. Wealth and capital multiplied and the Mexicans made some advancement in civilization. Estévan de Antuñano thought that this was the first step toward Mexican emancipation.²⁸ The frontier provinces benefited from the liberal measure. In 1782 direct trade with France and Louisiana was permitted to Spaniards in Spain and the Louisiana colonists were allowed to carry on commerce with France, a necessary consequence after the expulsion of the British smugglers during the war of the American Revolution, since those violators of the laws had furnished most of the supplies for the frontier province. Spanish merchants and manufacturers had proved unable, under the old system, to meet the needs of the inhabitants of Louisiana.²⁹

26. Copia del memorial de Vicente Basarde. Vera Cruz, Jan. 5, 1799, AGI, 2508 (96-2-14). Audiencia de Méjico.

27. Copia del pedimiento fiscal de 30 de Noviembre de 1781 sobre libre extracción de arina y otros comestibles a la isla de la Havana y otras partes . . . Num. 18, AGI, 2523 (96-3-8). Audiencia de Méjico.

28. "Discurso analítico de algunos puntos de moral y economía política de Méjico . . ." Puebla, 1834. In *Papeles varios*, 61, num. 3, p. 30. The *Papeles varios* is a collection of printed Mexican pamphlets.

29. Arthur P. Whitaker, "The Commerce of Louisiana and the Floridas at the End of the Eighteenth Century." *Hispanic American Historical Review*, May 1928, pp. 192 et seq.

The consulado did not give up its old monopolistic privileges without a struggle. The consulado of Mexico City declared that "free commerce of the Americas with Europe and Asia hurts the public right, insults the prerogatives of the Spanish throne, destroys the pretensions, hopes, wealth, power, finance of the mother country, offends progress, customs, sentiments, and the peace of those possessions, and causes division and anarchy." The organization said that Spain had a right to the commerce of the Indies because it had conquered them, and that national monopoly was a just reward for the beneficent protection of the mother country. It added that if commerce were free, all nations would wish to be situated in America and Spain could not keep them out. According to the consulado, free commerce was without doubt the most terrible enemy of navigation, agriculture, and manufacture.³⁰ On the other hand, Pedro del Paso y Troncoso, prior of the consulado of Vera Cruz, said that the consulado of the capital greatly exaggerated the danger of free commerce. He stated that the organization of merchants wrongly attributed the rebellion of the people to foreign commerce, for where it was most continuous there had not been discovered the lightest spark of that destructive flame which almost consumed other parts reserved for the trade of the consulado.³¹

There were a number of persons who severely criticized the measure for free commerce; for instance, Antonio de San José Muro maintained that the poverty of America increased with free commerce which was a true evil, that countries which had products to export were enriched but those which only worked mines became miserable, and that the old system kept more silver in the kingdom. Consequently he believed that it was necessary to restore condi-

30. "Informe del real consulado de México contra el comercio libre de America." In Juan Hernández y Dávalos, *Colección de documentos para la historia de la guerra de independencia en Mexico de 1808 a 1821* (Mexico, 1877-1882), II, 500-508.

31. *Diario del gobierno de la Habana*. Lunes 31 de Enero and Domingo 30 de Enero de 1820. Numeros 31, 30, AGI, 1678 (91-2-12). Audiencia de Méjico.

tions as they were under the old régime.³² Pedro Fauria said that Spanish products suffered greatly from the results of the unfortunate system of free commerce, commercial conditions were deplorable in Mexico, and Spain experienced incalculable losses because English goods were sold cheaper in Mexico than Spanish merchandise.³³

Complaints arose that, like so many other laws, the *reglamento* for free commerce was not enforced everywhere. Lucas de Gálvez, the intendant of Yucatán, and Francisco Carvajal, intendant of Chiapas, both avowed that free trade was hindered in their provinces by certain governmental authorities.³⁴ Viceroy Revillagigedo also showed that the wise measure for free commerce was violated. Although the commerce of European products with Mexico was prohibited to all ports except those of Spain, they came from Havana under the pretext of provisions for merchant boats and generals in the war.³⁵

Humboldt, who was familiar with the working of the regulation of 1778 in Mexico, said that the word "free commerce" only represented an idea. Fourteen Spanish ports were opened at the same time to the commerce of America and this was like a step from the most despotic arbitrariness to a freedom sanctioned by law, but it did not go far enough. The noted explorer thought that more would have been gained on both sides if another order had annulled the oppressive custom duties, which were opposed to agricultural and industrial progress in New Spain.³⁶ Pedro Troncoso criticized the Pragmatic of free commerce because it closed the ports of Havana, Campeche, San Blas, and all

32. Proyecto del Antonio de San José Muro. Mexico, April 16, 1787, AGI, 1879 (92-5-15). Audiencia de Méjico.

33. Pedro Moreno y Fauria al Exmo. Señor D. Pedro López de Lerena. Mexico, Nov. 26, 1789, AGI, 1907 (92-5-15). Audiencia de Méjico.

34. Lucas de Gálvez al Exmo. Señor Don Antonio Valdés y Bazán. Campeche, Sept. 25, 1788, num. 36, AGI, 2505 (96-2-11). Audiencia de Méjico; Francisco Saavedra y Carvajal al Exmo. Señor Dn. Antonio Valdés. Ciudad Real de Chiapas, June 4, 1788, num. 1, AGI, *ibid.*

35. Revillagigedo al Exmo. Señor D. Diego Gardoqui. Mexico, Nov. 30, 1793, num. 754, AGI, 2506 (96-2-12). Audiencia de Méjico.

36. *Ensayo político sobre Nueva España*, IV, 122-123.

the others of America to the trade of foreigners. He declared that to order the ports of America closed to foreign commerce, which was already established, was like requesting night to turn into day and was a waste of time. He maintained that the laws which regulated commerce should vary with the times. He believed that the increase of the permitted commerce would destroy the illicit which, besides converting useful men into delinquents, absorbed the greater part of the revenues of the crown and destroyed the happiness of the state and the prosperity of the vassals who observed the laws.³⁷

Other slight concessions were made to commerce later; in 1788 a decree permitted foreigners as well as Spaniards to carry on commerce in negro slaves in the American islands.³⁸ In 1789 national products and manufactures were declared free for Mexico and Caracas, and one third of each cargo might be made up of foreign goods of licit commerce.³⁹ On account of the repeated petitions of merchants and in order to avoid the interruption of commerce with America during the French Revolution, in 1797 the king permitted all his subjects to make expeditions to America with goods which were not prohibited in national or foreign boats from the ports of neutral powers or from those of Spain. This measure did not have the desired effect, since Spaniards themselves abused the privilege granted them. The decree was therefore annulled in 1799.⁴⁰ The sovereign also permitted European goods to circulate from port to port in America because of the scarcity of such articles during the war with England. The consulado of Havana rejoiced, but the consulado of Vera Cruz complained about the injuries caused to national trade because of the meas-

37. Diario del gobierno de la Habana. Domingo 30 de Enero de 1820, num. 30, AGI, 1678 (91-2-12). Audiencia de Méjico.

38. Antúñez y Acevedo, 145.

39. Decree of Feb. 28, 1789. AGI, 1316 (89-1-14). Audiencia de Méjico.

40. Decree of 1799. Aránjuez, April 1799, AGI, 1314 (88-1-12). Audiencia de Méjico; Varias cartas sobre pagó del situado del ministro Español en Filadelfia 1799. *Ibid.*, papeleta 75.

ure.⁴¹ Before 1815 a number of other Mexican ports besides Vera Cruz had been opened directly to European commerce.

The reforms did not stop smuggling—the curse of the Spanish commercial system. From 1796 to 1801, during the war with England, Spain could not introduce into Mexico more than 2,604,000 pesos' worth of goods; yet all the shops were full of muslin from India and the products of English manufacture.⁴² Clandestine trade flourished on the Guadalquivir itself.⁴³ Josef Cárdenas declared that contraband was very frequent even among persons of first distinction, that the greater part of commerce was illegal, and that correspondence was maintained with foreign nations which sent spies into the colonial ports. He showed that one of the roots of evil was that smuggling was not believed to be a sin, another that it was not harmful, another that the royal dues were unjust and that the people were burdened with excessive imposts.⁴⁴ In 1803 Antonio de Argumedo said that the restriction of commerce caused contraband and many persons became contrabandists involuntarily because of the inflexible rules for registering goods. When a boat arrived in a port the register was made and closed immediately. It was very expensive to have the register opened again and it caused much delay, therefore additional articles were embarked without register by bribing the customs guards.⁴⁵ In time of war commerce almost reached the point of being independent. At that time illegal trade was estimated at six or seven million pesos a

41. El consulado de Vera Cruz da cuenta a V. E. en el intolerable abuso que hace en las reales órdenes que permiten la exportación de efectos de Europa de un puerto a otro de America. Vera Cruz, June 6, 1810, num. 360, AGI, 2514 (96-2-20) Audiencia de Méjico; El consulado de Habana pide que ratifique las reales órdenes que permiten la reexportación de efectos procedentes de la península para otros puertos de America. Havana, Nov. 5, 1810, num. 360, AGI, *ibid.*

42. Humboldt, IV, 120-121.

43. Haring, 62-63.

44. Fray Josef de Santa Gertrudis y Cárdenas á Floridablanca. Puebla, Oct. 28, 1787, AGI, 1879 (92-4-3). Audiencia de Méjico.

45. Antonio de Argumedo al consejo de Indias. Huejutla, Dec. 20, 1803, num. 36, AGI, 190 (91-6-25). Audiencia de Méjico.

year, and in periods of peace at four or five million pesos.⁴⁶ Spanish merchants could not complete successfully with foreigners under such conditions, since the prices of their goods had to be very high on account of the dangers and difficulties of transportation, because of the large securities demanded, illiberal contracts, and the contributions and loans to help meet the expenses of the war. As a result many merchants were ruined and the contrabandists had everything their own way, for the government of Mexico could not guard the immense extent of the coasts while there were wars.⁴⁷

Internal commerce became more progressive in New Spain when free trade was established. Products were exchanged quite freely, especially with the mining regions. Every week thousands of mules came from Chihuahua and Durango to Mexico City bringing silver, leather, and other commodities from those districts. They returned laden with manufactured woolen goods from Puebla and Querétaro, also with merchandise from Europe and the Philippines, and with iron and mercury.⁴⁸ Better and cheaper transportation was one of the problems which had to be met before internal commerce could be profitable. Roads were scarce and in a deplorable condition. Humboldt thought that it would be a good thing to introduce camels into Mexico to carry goods from the Pacific to the Atlantic coast because they suffered much less than horses and mules from dry climate and lack of water. As Mexico did not have navigable rivers, this well-informed traveler also suggested that there should be artificial navigation between Mexico City and Tampico. He likewise believed that a canal could be constructed through the intendancy of Oaxaca to unite the two oceans.⁴⁹ José María Quirós also believed in the possibility of such a canal and he thought it would

46. Humboldt, IV, 120-121.

47. Riva Palacio, II, 891. The great bulk of the *legajos* of the Archive of the Indies from about 1780 to 1806 deal with smuggling.

48. Humboldt, II, 9.

49. Humboldt, IV, 44-47, 54, 32-33.

greatly benefit the provinces of Vera Cruz, Oaxaca, and Puebla.⁵⁰ Several viceroys called the attention of the government to this plan, but nothing was done about the Tehuantepec canal route.

Internal trade was somewhat interfered with on account of rivalry between the merchants of Mexico City and Vera Cruz—a rivalry between the merchants of the plains and those of the warm regions. Spain paid no attention to those dissensions, but secretly found satisfaction in them, believing that its position would be strengthened by the internal disagreement between the natives and Spaniards.⁵¹ This commercial emulation between the merchants of the two cities may have been one reason why the latter was so popular a place for rebel groups. There was a slow estrangement and separation taking place between the two municipalities. Vera Cruz had felt the effects of liberal influences, which sprang up from contact with foreign peoples and ideas, more than the capital; for, no matter how heavy the restrictions at such a port, individual merchants from all over the world would come and leave their influence. Since the inhabitants were inspired by new ideas and were trade competitors of the capital, Vera Cruz later proved to be an excellent place from which to launch liberal movements.⁵²

The coastwise trade flourished under free commerce and assumed an importance hitherto unsuspected. Vera Cruz alone received four or five hundred boats a year, but Acapulco was visited by only about ten vessels. Four or five ships were sent annually down the west coast of Mexico to Guayaquil and Lima, but this commerce with Peru was not very successful because of the great distance, adverse winds, currents and calms, and the crudely con-

50. Memoria de estatuto. Causas de que ha procedido que la agricultura, industria y minería de Nueva España no hayan adquirido el gran formento de que son susceptibles. Vera Cruz, Jan. 18, 1818, AGI, 2518 (96-3-3). Audiencia de Méjico.

51. Humboldt, IV, 83-84.

52. Wilfrid Hardy Callcott, *The Church and State in Mexico 1822-1857* (Durham, 1926), 74-75.

structed vessels. In the east the coast trade was more profitable and in 1804 fifteen or twenty American boats went around Cape Horn into the Pacific.⁵³ The Philippine commerce continued to be profitable after free trade was inaugurated. The rich merchandise from the Orient was eagerly awaited every year by the people of Mexico and the goods were distributed in the entire viceroyalty.⁵⁴ All classes of people from the proud creoles of the larger municipalities to the Indians of the warm lands, whom the Spanish laws compelled to wear clothes, were dressed in the fabrics of the Orient—in the silks of China, or cottons of Luzón and India.⁵⁵

The national wealth increased every year after free commerce was established; this was true in all branches of finance. Luxuries were more in demand than ever before in Mexico. Finer fabrics were needed, therefore New Spain was more dependent upon Europe and Asia. The principal exports from Mexico were gold and silver in bars or made into designs by the silversmiths, cochineal, sugar, flour, indigo, salted meats, dried vegetables or other eatables, tanned leather, vanilla, Jalapa root, soap, dye-wood, pimenta, and sassafras. The imports were cloth, paper, whisky, cacao, mercury, iron, steel, wine, and wax.⁵⁶

Commerce was not altogether successful under the Pragmatic of Free Trade, although it had greatly increased. It could not compete with foreign commerce. Abad Queipo, bishop of Michoacán, asked, "Why is our flour of Puebla not able to compete in Havana with that from the United States of North America?" He showed that the lands of Mexico were superior, that workmen were paid two reales a day, but in the United States they were paid double that amount, that the Puebla flour was sent twenty-five or thirty leagues while the flour of the northern nation had to be transported thirty or forty leagues and even greater distances, that the

53. Humboldt, IV, 84, 90-92, 111-113.

54. *Ibid.*, IV, 100-101.

55. Riva Palacio, II, 516.

56. Humboldt, IV, 125-133, 57-58.

voyage from Vera Cruz to Havana took fourteen or fifteen days and the journeys of the rival country took much longer, that the flour from New Spain entered Havana without duties but that from the United States had to pay heavy duties when entering any Spanish port, yet the Americans sold it for six pesos a barrel less than the Mexicans.⁵⁷ The liberal bishop said that the differences were due to the enormous burdens which Mexico had to sustain and to the many obstacles imposed upon commerce, not counting the seasons and climate. He declared that if the flour of his country did enter Havana free, the dues paid by the North Americans were not equivalent to a sixth part of what the Mexicans paid in other ways. Besides the merchants of New Spain carried on commerce largely with foreign capital for which they had to pay interest; they always owed foreigners fifteen or twenty million pesos. With the exception of ten or twelve houses in Mexico City and Vera Cruz, which had part of their capital in ready money, all the other merchants of the country possessed barely enough of it necessary for their business. The money in circulation was only one twentieth of the capital invested. Only about one twentieth of the two hundred thousand merchants carried on business with their own funds. All the others had to use foreign capital paying an interest of five per cent, or conduct their enterprises on credit at a loss of fifteen per cent. The more unscrupulous merchants, who lacked capital to carry on their commercial ventures, loaned their names for the introduction of merchandise from other nations into New Spain under the protection of their government. The unjust tariffs in the customhouses, all the appraisements of which were left to the caprice and arbitrariness of visitations, administrators, and of a receiver who obtained fourteen per cent from everything; the lack of ready cash for circulation, which caused considerable arrears in all payments and great slowness in the transaction of business

57. "Representación á nombre de los labradores y comerciantes de Michoacán. . ." Valladolid, Oct. 24, 1805. In José María Luis Mora, *Obras sueltas* (Paris, 1837), 86-87.

which prevented new undertakings; the outbreak of wars which caused prices to rise from one hundred to three hundred per cent on most articles; and the inability to maintain the profitable commerce of one possession with another because of the distance, poor roads, rainy or dry seasons, and customhouses—these were the other causes which the shrewd ecclesiastic gave for the failure to meet foreign competition.⁵⁸

Queipo was certain that for the last twenty years after the establishment of free trade, exports exceeded imports by many millions of pesos, in spite of the numerous hindrances to commerce, and this was as it should be. At the same time a large quantity of hard cash, which before was accumulated and circulated in Mexico, was sent to Spain. The prelate said that if the statistics of entry and departure, which were published from the time of the establishment of the consulado of Vera Cruz, were compared, the result would show that the transportation of silver from that port added to that of Acapulco would amount to more than all the silver coined in Mexico. Little of the precious metal existed for commercial transactions in that country or could be stored up, but the miner's letters of credit circulated freely three or four months before their payment. Queipo prophesied that commerce would greatly increase in the following years because all the ordinary revenues of the king were augmented and extraordinary ones had been created.⁵⁹

The famous ecclesiastic was therefore an enthusiastic advocate of free commerce under the regulation of 1778, declaring that, after commerce got rid of its obstacles, it gave a general impetus to society, greatly multiplied the agents of agriculture, industry, and commerce, and all the products of those branches. The means of subsistence and occupations of men were consequently increased and the

58. "Representación á nombre de los labradores y comerciantes de Michoacán. . ." *In Mora*, I, 91-92, 107, 89, 94, 143; *Riva Palacio*, II, 891.

59. *Ibid.*, *Mora*, I, 95-96; "Escrito presentado á D. Manuel Sisto Espinosa del consejo de estado. ." Madrid, 1807. *In Mora*, I, 106-107.

population grew.⁶⁰ Queipo hoped that the government would permit a reciprocal commerce with all the other Spanish possessions and foreign commerce under conditions which would be wise for the welfare of the state. By this means, he thought that contraband trade, which injured the royal treasury so much without any benefit to the people, might be abolished and the revenues be increased.⁶¹

In 1810 the same bishop sent a petition to the regency of Spain saying, "May your Majesty be pleased to give to this system all the extension which the true interests of the monarchy demand, that all the authorized ports of the peninsula and the adjacent islands large or small may be free to navigate and carry on commerce in all the regions of the world, that all the large and small ports of the coasts of America and of the adjacent islands shall enjoy a similar right to navigate and carry on commerce among themselves and with the [Spanish] metropolis and adjacent isles." He showed that all the other maritime nations of Europe had always granted this liberty to all the ports of their kingdoms. France and England conceded it from the beginning of their colonies; as a result, agriculture, arts, commerce, navigation, and science had progressed in those nations. He maintained that Spaniards would be ruined by the opposite system. On the other hand, under free commerce, Catalonia would find more advantageous markets in America for its industry and fruits and Andalusia for its oils and wines, the more the inhabitants of the colonies prospered and grew in number. Queipo added that all the surplus of industry which Spain could acquire for some centuries and all the products of marine exportation would not supply the consumption of Mexico if the conditions of its people were bettered, as they would necessarily be improved under free trade.⁶²

60. "Escrito presentado á D. Manuel Sisto Espinosa. . ." Mora, I, 104.

61. "To the real acuerdo of Mexico. . ." Valladolid, March 16, 1809. Mora, I, 123.

62. "Representación á la regencia. . ." Valladolid de Michoacán, May 30, 1810. In Mora, I, 154-155.

José María Quirós was another strong advocate of greater commercial privileges. He believed that national goods should be free from all dues and contributions of any kind and that only three per cent should be demanded from foreigners. He said that maritime commerce in general was restricted because overseas exportation was not protected as it should have been and the coast traffic was not extended as much as possible by means of the many navigable rivers. He added that the commerce permitted to neutrals in 1797 and the favors granted in 1804 to various foreign houses of Europe and of the United States were not good for Mexico, since they came with textiles of cotton and linen which they sold at low prices compared to those of the viceroyalty, and as a result there was no demand for its goods, causing loss to manufacturers, agriculture, and the crops; also the precious metals flowed out of the kingdom.⁶³

The foregoing discussion shows that at first the Spanish government maintained the doctrine of scrupulous monopoly, which it believed would give greater support to commerce, produce good results for the treasury, and prevent other nations from trading with the American colonies. This was the selfish policy upheld by all nations—that the colonies existed for the benefit of the mother country, and it did not permit any general development of their resources. Like other monarchies, Spain tried to derive economic benefit for its empire, but since it lacked efficient economic organization its efforts merely caused irritation to the colonists, disappointment to the Spaniards, and affronts to foreigners. The huge contraband trade, which helped to weaken the Spanish empire, was only one symptom of this inefficiency.

When the mercantilistic system broke down in other countries and could no longer be enforced, Spain was compelled to modify its commercial system. The result was the regulation of 1778 for restricted free trade. On the whole

63. Memoria de ynstituto en que se manifiesta, que ni España ha adquirido con la posesión de las Americas las grandes ventajas de que eran susceptibles. . . Vera Cruz, Dec. 31, 1812, AGI, 2516 (96-3-1). Audiencia de Méjico.

free commerce caused Mexico to progress economically more than ever before; the revenues increased, industry flourished, the standard of living of the people improved, and the population grew. Perhaps more important than anything else, new progressive ideas entered the dependency with foreign commerce and helped to pave the way for independence. Unfortunately the wise measure for free commerce did not have all the beneficial effects expected, for Spain could not keep pace with the vast increase in production and in the volume of international trade which began in the latter part of the eighteenth century. Spain could not provide its colonies with the goods and capital needed for their development; therefore, after having experienced the benefits of free trade, they commenced to realize the possibilities in store for them if they should be able to shake off the Spanish yoke entirely.

SOME SUPPLEMENTARY NEW MEXICAN IMPRINTS
1850-1860

By DOUGLAS C. MCMURTRIE

IN MY article, "The History of Early Printing in New Mexico," which was published in the *NEW MEXICO HISTORICAL REVIEW* of October, 1929, I submitted a bibliographical list of all products of the press, other than newspapers, from the beginning in 1834 through the year 1860. This list, though bringing to attention a number of most interesting but almost unknown imprints of the Mexican period, was quite obviously deficient in its record of official documents in the early years of the Territory of New Mexico as a part of the United States.

A recent opportunity to visit the Library of Congress enabled me to make notes of titles that practically complete the list of public documents—legislative journals and laws—for the period in question. These titles are here presented in a supplementary bibliography.

Also included in the supplementary list are four broadsides reported by the Henry E. Huntington library. I am glad to acknowledge my obligation to Mr. Willard O. Waters, bibliographer of the Huntington Library, for his interest in giving me information of these interesting items. And through the interest and courtesy of Mr. Lansing B. Bloom, secretary of the Historical Society of New Mexico and editor of its *HISTORICAL REVIEW*, I am able to add two broadsides discovered by Mr. Bloom in the Bancroft Library of the University of California. One of these, which has been placed at the end of the supplementary list, is as yet undated and is included provisionally. Mr. Bloom also found in the Bancroft Library copies of the election proclamations listed in the bibliography in my former article as Nos. 15, 16, 17, 18, and 20, and a copy of the proclamation listed as No. 32. I am glad to be able to credit these broadsides to the Bancroft collection.

Still unknown to me are any printed copies of the Spanish version of the acts of the two legislative sessions of 1851, the Spanish version of the House Journal of the session of December, 1854, and the English version of the Council Journal of the session of 1858-59. The Spanish version of the Council Journal of the session of December, 1852, I have not yet succeeded in locating, but have found record of it in an auction catalogue.

Of the messages of the territorial governors to the legislature I have been able thus far to account for four in printed form—those of December, 1852, and December, 1857, in English, that of December, 1855, in both English and in Spanish, and that of December, 1856, in Spanish only.

The few gaps still remaining in the list of New Mexican public documents are here mentioned in the hope that search for them will be stimulated and that they will sooner or later be brought to light and put on record.

Donaciano Vigil, Gobernador Interino | del Territorio de
Nuevo Mexico, A. los | Habitantes del Mismo: Sabed. | [28
more lines]. [81]

22 x 32 cm. Broadside.

Dated at Santa Fe, 22 February, 1847.

Proclaims that in fighting the Navajo Indians, the effects of the hostiles may be seized as booty and distributed by the citizen forces, and regulates the distribution.

Bancroft Library.

Proclamation | of the | Governor. | [*Double rule*] | James
S. Calhoun, | Governor of the Territory of New Mexico. |
To all whom it may concern: | [*49 lines*] | Given under my
hand at the city of | Santa Fe, this 12th day of March, |
1851. | Jas. S. Calhoun. | By the Governor, | H. N. Smith,
| Secretary of the Territory. [82]

17 x 35.5 cm. Broadside. Text, in English and in Spanish,
in 2 columns, separated by column rule; Spanish text in
right-hand column.

Henry E. Huntington Library.

Proclamation. | James S. Calhoun, | Governor | of the Ter-
ritory of New Mexico. | [*Double rule*] | To the People of
Said Territory. | [*44 lines*] | Given under my hand at the
City of Santa | Fe, this 18th day of March, A. D. 1851. |
James S. Calhoun, | Governor. [83]

24.5 x 35 cm. Broadside. Text, in English and in Spanish,
in 2 columns, separated by column rule; Spanish text in
right-hand column.

Henry E. Huntington Library.

Territorio de Nuevo Mejico. | Departamento del Ejecutivo. |
Santa Fe, Nuevo Mejico, | Marzo 19, de 1851. | Al Cacique,
Gobernadores i Principales de | [*Blank space for name*] |
[*13 lines*] | James S. Calhoun, Gobernador, | i Superintende-
dente de Negocios Indios. [84]

17 x 25 cm. Broadside.

Text begins: Los Indios salvajes que diariamente estan
asesinando i robando el pueblo de Vds. deben ser extermin-
ados o castigados . . .

Henry E. Huntington Library.

Las Actas | de | La Camara de Representantes | del | Terri-
torio de N. Mejico; | siendo | la segunda sesion de la primera
Asamblea Legislativa | comenzada y tenida | en la Ciudad de
Santa Fé, | Diciembre 10 de 1851. | [*Dotted rule*] | Santa
Fé, | Collins, Kephart & Ca., Impresores. | MDCCCLIII.

[85]

15.5 x 24 cm. 265 p. Printed brown paper wrappers.

Library of Congress.

Journal | of the | Honorable Council | of the | Territory of
N. Mexico; | being the | second session of the first Legisla-
tive Assembly, | begun and held | in the City of Santa Fe,
December 1, 1851. | Printed in the Santa Fe Gazette Office.
| 1854. [86]

14 x 21.5 135 p.

Library of Congress.

Diario | del | Consejo | del | Territorio de N. Mejico. | Siendo
| La segunda sesion de la primera Asamblea | Legislativa |
principiada y tenida | en la Ciudad de Santa Fe, | Diciembre

de 1851. | [*Rule*] | Santa Fe: | J. L. Collins y W. W. H. Davis, Impresores. | MDCCCLIV. [87]

14 x 21.5 cm. 133 p.

Library of Congress.

Journal | of the | Honorable Council | of the | Territory of N. Mexico; | being the | second session of the first Legislative Assembly, | begun and held | in the City of Santa Fe, December 6, 1852. | Printed in the Santa Fe Gazette Office. | 1854. [88]

14 x 21.5 cm. 117 p.

This session was actually of the second Legislative Assembly, and is so designated on the title page of the laws for this session.

Library of Congress.

Diario | del | Consejo | del | Territorio de N. Mejico; | siendo | la segunda sesion de la primera Asamblea | Legislativa | principiada y tenida | en la Ciudad de Santa Fé, | Diciembre 6 de 1852. | [*Dotted rule*] | Santa Fé: | J. L. Collins y W. W. H. Davis, Impresores. | MDCCCLIV. [89]

14 x 21.5 cm. 117 p.

Title should have read "primera sesion de la segunda Asamblea Legislativa."

Library of Congress.

Journal | of the | House of Representatives | of the | Territory of N. Mexico; | being the | second session of the first Legislative Assembly, | begun and held | in the City of Santa Fe, December 6, 1852. | Santa Fe, | J. L. Collins & W. W. H. Davis, Printers | MDCCCLIV. | [90]

14 x 21.5 cm. 293 p. (last page misnumbered 193).

This was actually a session of the second Legislative Assembly.

Library of Congress.

Diario | de la | Camara de Representantes | del | Territorio de N. Mejico. | Siendo | la segunda sesion de la primera Asamblea Legislativa | principiada y tenida | en la Ciudad de Santa Fe, | Diciembre 6 de 1852. | [*Dotted rule*] | Santa Fe, | J. L. Collins y W. W. H. Davis, Impresores. |

MDCCCLIV.

[91]

14 x 21.5 cm. 290 p.

Title should have read "Primera sesion de la segunda Asamblea Legislativa."

Library of Congress.

Journal | of the | Legislative Council | of the | Territory of
New Mexico; | being the | first session of the second Legisla-
tive Assembly, | begun and held | at the City of Santa Fe,
December 5th, 1853. | [*Dotted rule*] | Santa Fe, | J. L. Col-
lins & W. W. H. Davis, Printers. | MDCCCLIV. [92]

14 x 21.5 cm. 296 p.

This session was actually the first session of the *third* Legis-
lative Assembly and is so designated on the title page of the
laws of the session.

Library of Congress.

Diario | del | Consejo Legislativo | del | Territorio de N.
Mejico; | siendo la primera sesion de la segunda Asamblea |
Legislativa | principiada y tenida | en la Ciudad de Santa Fe,
| el dia 5 de Diciembre de 1853. | [*Dotted rule*] | Santa Fé:
| J. L. Collins y W. W. H. Davis, Impresores. | 1854 [93]

14 x 21.5 cm. 323 p.

Title should read "primera sesion de la tercera Asamblea
Legislativa."

Library of Congress.

Journal | of the | House of Representatives | of the | Ter-
ritory of N. Mexico; | being the | first session of the second
Legislative Assembly, | begun and held | in the City of Santa
Fé, | December 5, 1853. | [*Dotted rule*] | Santa Fe: | J. L.
Collins & W. W. H. Davis, Printers. | MDCCCLIV. [94]

14 x 21.5 cm. 443 p.

This session was actually the first session of the *third* Legis-
lative Assembly.

Library of Congress.

Diario | de la | Camara de Representantes | del | Territorio
de N. Mejico. | Siendo | la primera sesion de la segunda
Asamblea Legislativa | principiada y tenida | en la Ciudad
de Santa Fe, | Diciembre 5 de 1853. | [*Dotted rule*] | Santa

Fe, | J. L. Collins y W. W. H. Davis, Impresores. |
 MDCCCLIV. [95]

14 x 21.5 cm. 441 p.

Title should read "tercera Asamblea."

Library of Congress.

Journal | of the | Honorable Council | of the | Territory of
 N. Mexico; | being the | first session of the first Legislative
 Assembly, | begun and held | in the City of Santa Fe, June 3,
 1851. | [*Dotted rule*] | Printed in the Santa Fe Gazette Of-
 fice, 1855. [96]

14 x 21.5 cm. 120 p.

Library of Congress.

Diario | del | Consejo | del | Territorio de N. Mejico. | Siendo
 | la primera sesion de la primera Asamblea | Legislativa |
 principiada y tenida | en la Ciudad de Santa Fe, | Junio 3 de
 1851. | [*Rule*] | Santa Fe: | J. L. Collins y W. W. H. Davis,
 Impresores. | MDCCCLV. [97]

14 x 22 cm. 120 p.

Library of Congress.

Journal | of the | House of Representatives | of the Terri-
 tory of New Mexico; | being | the first session of the first
 Legislative | Assembly, begun and held in the | City of Santa
 Fé, | June 3, 1851. | [*Wavy rule*] | Santa Fé: | Printed in the
 Santa Fé Weekly Gazette Office; | MDCCCLV. [98]

13.5 x 21.5 cm. 146 p.

Library of Congress.

Diario | de la | Camara de Representantes | del | Territorio
 de Nuevo Mejico: | siendo | la primera sesion de la primera
 Asamblea | Legislativa, principiada y tenida | en la Ciudad
 de Santa Fé, Junio 3, 1851. | [*Filet*] | Santa Fé: | Imprimido
 en la Oficina de la Gaceta. | MDCCCLV. [99]

13.5 x 22 cm. 162 p.

Library of Congress.

Journal | of the | Honorable Council | of the | Territory of
 N. Mexico; | being the | second session of the third Legisla-

tive Assembly, | begun and held | in the City of Santa Fe,
December 4, 1854. | Printed in the Santa Fe Gazette Office.
| 1855. [100]

14 x 21.5 cm. 235 p.

This session was actually the session of the *fourth* Legislative Assembly and is so designated on the title page of the laws of the session.

Library of Congress.

Journal | of the | House of Representatives, | of the | Territory of N. Mexico: | being the second session of the third Legislative Assembly. | begun and held | in the City of Santa Fe, | December 4, 1854. | [*Dotted rule*] | Printed in the Santa Fe Gazette Office. | 1855. [101]

14 x 22.5 cm. 285 p.

This was actually the session of the *fourth* Legislative Assembly.

Library of Congress.

Journal | of the | Legislative Council | of the | Territory of New Mexico; | being | the first session of the fourth Legislative | Assembly, begun and held in the | City of Santa Fé, | December 3, 1855, | [*Wavy rule*] | Printed in the Santa Fe Gazette Office. | 1856. [102]

13 x 22 cm. 56 p.

This was actually the session of the *fifth* Legislative Assembly.

Library of Congress.

Journal | of the | House of Representatives of the | Territory of New Mexico; | being | the first session of the fourth Legislative | Assembly, begun and held in the | City of Santa Fé, | December 3, 1855, | [*Wavy rule*] | Printed in the Santa Fe Gazette Office. | 1856. [103]

13 x 22 cm. 78 p.

This was actually the session of the *fifth* Legislative Assembly.

Library of Congress.

Diario | de la | Camara de Representantes | Nuev [*sic*]
Mejico; | December 5, 1855 | [*Dotted rule*] | Santa Fé: |

Printed in the Santa Fé Weekly Gazette Office. |
MDCCCLVI. [104]

13.5 x 22 cm. 88 p.

Library of Congress.

Diario | del | Consejo | del | Territorio de Nuevo Mejico; |
Diciembre 3, 1855. | [*Wavy rule*] | Santa Fe. | Imprimido
en la Oficina de la Gaceta. | MDCCCLVII.

13.5 x 22 cm. 69 p.

Library of Congress (2 copies).

Journal | of the | Council, | of the | Territory of | New Mex-
ico | session of 1855-1856. | Santa Fe. | Printed in the Office
of the Democrat, | 1857. [106]

13.5 x 22 cm. 91 p.

The dates of the session should read "1856-57" and on the
title page of the Library of Congress copy have been so cor-
rected in pencil. This was the session of the sixth Legislative
Assembly.

Library of Congress.

Diario | del | Consejo Legislativo | del Territorio de | Nuevo
Mejico, | Sesion de 1856-57, | Santa Fè, | Impreso en la
Oficina del Democrata, | 1857.

13 x 22 cm. 93 p.

Library of Congress.

Journal | of the | House of Representatives | of the Terri-
tory of | New Mexico | session of 1855-1856. | Santa Fe |
Printed in the Office of the Democrat, | 1857. [108]

13.5 x 22 cm. 88 p.

The dates of the session should read "1856-57"; so corrected
in pencil on title page of Library of Congress copy.

Library of Congress.

Diario | de la | Camara de Representantes | del Territorio de
| Nuevo Mejico, | Sesion de 1856-57, | Santa Fè, | Impreso en
la Oficina del Democrata. | 1857. [109]

13 x 22 cm. 89 p.

Library of Congress.

Journal | of the | Legislative Council | of the | Territory of
| New Mexico, | being the | first session of the fourth Legis-
lative Assembly, | begun and held at the City of | Santa Fe,
December 7th, 1857. | 1858. [110]

12.5 x 22 cm. 93 p.

This was actually the session of the *seventh* Legislative
Assembly.

Library of Congress.

Diario | del | Consejo Legislativo | del | Territorio de |
Nuevo Mejico, | siendo la | primera sesion de la cuarta
Asamblea Legis- | lativa principiada y tenida en la Ciudad |
de Santa Fe, | Diciembre 7 de 1857. | 1858. [111]

13 x 22 cm. 94 p.

This should read "Septima Asamblea."

Library of Congress.

Journal | of the | House of Representatives | of the | Terri-
tory of New Mexico. | Session 1857-58. | [*Filet*] | Santa Fe:
| Printed at the Office of the Santa Fé Gazette. | 1858 [112]

12.5 x 21.5 cm. 127 p.

Library of Congress.

Diario | de la | Camara de Representantes, | del Territorio
de | Nuevo Mejico, | Sesion 1857-58. [113]

12.5 x 21.5 cm. 135 p.

No date and no imprint, but printed at Santa Fe, 1858.

Library of Congress.

Diario | del | Consejo Legislativo | del Territorio de | Nuevo
Mejico, | sesion de 1858-59. | [*Filet*] | Santa Fe, A. De
Marle, Impresor Publico, | 1859. [114]

13 x 22.5 cm. 88 p.

Library of Congress.

Diario | de la | Camara de Representantes | del Territorio de
| Nuevo Mejico, | sesion de 1858-59. | [*Filet*] | Santa Fe, A.
De Marle, Impresor Publico, | 1859. [115]

13 x 22.5 cm. 112 p.

Library of Congress.

Journal | of the | Legislative Council | of the | Territory of
New Mexico. | Session begun and held in the City of Santa
Fé, Decem- | ber 5th, A. D. 1859, being the Ninth Session |
of the Legislative Assembly. | [*Filet*] | Santa Fe, N. M. | O.
P. Hovey, Public Printer. | 1860. [116]

14.5 x 22.5 cm. 163 p. Printed tan paper wrappers.

Library of Congress.

Diario | del | Consejo Legislativo | del Territorio de | Nuevo
Mejico. | Sesion principiada y tenida en la Ciudad de Santa
Fé, | el dia quinto de Diciembre, A. D. mil ochocientos | cin-
quenta y nueve, siendo la Sesion Novena | de la Asamblea
Legislativa. | [*Filet*] | Santa Fé, N. M., | O. P. Hovey, Im-
presor Publico. | 1860. [117]

14 x 22 cm. 176 p.

Library of Congress.

Journal | of the | House of Representatives | of the | Legisla-
tive Assembly | of | New Mexico, | Of a Session begun and
held in the City of Santa Fé, | Territory of New Mexico, on
Monday, the fifth day | of December, A. D. one thousand
eight hun- | dred and fifty-nine; | it being the Ninth | Legis-
lative Assembly for | said Territory. | [*Filet*] | Santa Fé,
N. M. | O. P. Hovey, Public Printer. | 1860. [118]

15 x 22.5 cm. 171 p. Printed tan paper wrappers.

Library of Congress.

Address | To the People of New Mexico, in relation to their
present difficulties with the Navajo Indians. [119]

31 x 19 cm. Broadside, printed in both sides.

Signed and dated: O. P. Hovey, J. M. Gallegos, Miguel E.
Pino, Felipe Delgado, Corresponding Committee. Santa Fe,
N. M. August 13th, 1860.

Henry E. Huntington Library.

Journal of the Council | of the | Legislative Assembly of
New Mexico, | of a | Session begun and held in the City of
Santa Fé, Territory | of New Mexico, on Monday, the third
day of De- | cember, | A. D. 1860, it being the Tenth | Legis-
lative Assembly for said | Territory. | [*Filet*] | Santa Fe, N.

M. | John T. Russell, Printer, | 1860. [120]
14 x 22.5 cm. 158 p. Printed buff paper wrappers.
The Spanish versions of the Journals of this session are
dated 1861.

Library of Congress.

Manifiesto al Pueblo de Nuevo Me- | jico. | Conciudadanos:
—Tomo la pluma por la pri- | mera vez, . . . [121]

15 x 22 cm. Small broadside. Text in 2 columns.

Signed at end: Cristobal Sanchez y Baca, | senador por el
condado de San Miguel. No date.

Bancroft Library.

BOOK REVIEWS

A Journal of the Santa Fe Expedition under Colonel Doniphan.—By Jacob S. Robinson. (Princeton University Press, 1932, 96 pp.)

This reprint of a journal kept by a private of the Doniphan Expedition is most acceptable as originals are practically unobtainable. The journal appeared first as Robinson's "Sketches of the Great West," which today has an auction record of \$165.00 for the volume. The author's spelling and punctuation are closely followed, but there is no difficulty in identifying place names and local appellations.

Robinson was with the first regiment of Missouri Mounted Volunteers, which was mustered into the service of the United States at Fort Leavenworth on June 6th, 1846. On the 22nd of that month the regiment started on its memorable march across the Plains to Santa Fé, which it reached after fifty-seven days. From Santa Fé, it proceeded to Chihuahua and traversed the states of Durango and Nuevo León, and returned to the United States by way of New Orleans, having in twelve months covered six thousand miles, part of the way fighting and suffering extreme hardships and privations.

The descriptions of people, customs and places are naïve, and yet show the result of keen powers of observation. On July 21st, the advance of the cavalcade encamped at Bent's Fort on the Arkansas to await the arrival of the main command. Robinson described the fort as follows: "It is a block of buildings in the form of a square about 100 by 150 feet with the center open. The buildings are a blacksmith's shop, carpenter's shop, store house, eating room, government room and many lodging rooms—together with a castle one hundred feet square, in which the stock is kept at night. It is built of adobes, or unburnt bricks; the walls

six feet thick, earth floors and similar roof, supported by rails and logs laid across the top of the walls. The Messrs. Bents have in their employ from 100 to 150 men, whose business it is to trap and trade with the Indians. They have good mattress beds, which are spread on the floors, and everything is kept neat and clean. Many of the men have Indian wives. We found here Governor Boggs' son, who has married Mr. Bent's daughter, a half-breed. The women are dressed very well, wear moccasins trimmed with beads about the ankles, which are very small. All who live here seem contented. They sell rum for \$24.00 a gallon and tobacco \$4.00 a pound; other things in proportion. Among other furniture they have a billiard table. They keep a large stock of mules and horses. They have attempted the cultivation of corn and vegetables and succeeded very well; but the Indians frequently destroying their crops, they had to abandon it. They have a farm at Pueblo Fort where the crops have also been destroyed by the Mexicans this year."

Robinson then proceeds to describe an incident which seems to have made a deep impression on him: "While we remained at Bent's Fort, the first death and burial took place in our camp. Some of the dragoons got intoxicated; and one of them, after having a fight, went into the river to bathe; he returned and lay down beneath a tree, where in a few moments he was found dead—reported to have died of apoplexy. This was on the 24th of July, and on the next day we were called to attend his funeral. He was dressed in his blanket and laid on a rude bier which was hastily constructed of willows, the flag of his country hung by his side; his horse was in front as chief mourner, saddled and bridled, with boots and spurs inverted in the stirrups, and sword, pistols and carbine across the saddle. The band sounded the slow and solemn notes of the dead march, as we bore his body to the grave, over which twenty-four guns were fired, and with a lively air from the band we returned to camp. The next day five men were tried by a court-martial for insubordination, and sentenced each to carry forty

pounds of sand every two alternate hours during the day."

On the 29th of July, a company of infantry arrived at Fort Bent, and according to Robinson these new arrivals were "in good spirits, and in better health than the mounted men" although "the heat is so intense from nine o'clock in the morning until four in the afternoon, that it is almost impossible to move about. Our guns become so hot we cannot handle them, and the sand burns our feet—but the nights are cool and pleasant; and the atmosphere is so clear that the stars retain their brilliancy until they sink beneath the horizon."

By August 2nd, the entire force consisted of fourteen hundred mounted rifle men, two hundred infantry, and two hundred artillery. Robinson refers to the Purgatoire as the Piquet River. When the invading army struck the Mora, they found an Irishman who had settled there, with nearly 1,000 head of cattle and mules. On August 15th, Las Vegas was occupied and the people appeared cheerful and glad to greet the American troops. Says Robinson: "The Mexicans brought us cheese, bread, mutton, onions, etc., which they sold us at very high prices." Las Vegas surrendered without a fight. At San Miguel, however, the alcalde was reluctant to take the oath of allegiance to the United States. He was given to understand that there was no alternative, and he finally submitted. After passing San Miguel two Mexican prisoners were taken "who were men of some note, one of them being a relative of Governor Amigo [Governor Manuel Armijo]. He remarked to General Kearney that although the position of the Mexicans was so strong at the Pass, he could tell them how to defeat them—just fire five or six cannon, no matter which way, and he would insure them all to run. To this General Kearney replied that if that was the case they must be a very cowardly people."

Apache Pass on the route of march on August 18th, the day that Santa Fé was occupied. Robinson remarks: "On a careful survey we saw how easily five hundred good soldiers might have completely destroyed us. The rocky cliffs on

each side were from two to three thousand feet high; and the fallen trees which they had cut down, hedged up our way. We all felt very well satisfied to pass without being attacked. We had all felt very brave before; but we now saw how difficult it would have been to have forced the pass and were glad to be beyond it. After a march of thirty-five miles, without grass for our horses, we at length came in sight of Santa Fe. The city at a little distance more resembles a parcel of brick yards than anything else; but in passing through we found it of considerable extent. The houses are all built of adobes. The city is full of corn and wheat fields; the corn is now fit to roast and the wheat not quite ready to harvest. The people supply themselves with water from three beautiful streams that run through the town, having their sources in a lake to the northwest. With them they also irrigate their corn fields. We entered the city just as the sun was sinking behind a distant mountain; and as its last rays gilded the hilltop, the flag of our country triumphantly waved over the battlements of the holy city; minute guns fired a national salute and the long shout of the troops spoke the universal joy that was felt at the good fortune that has attended us. But we leave the city to encamp—the men weary and hungry; no grass, no wood and nothing to eat, as our wagons have been left behind. On the 19th, our men, hungry and ill-natured in the camp, seemed disposed to fight among themselves, as there was nobody else to fight. One of the volunteers, named Haskins was tried by a court martial for the misdemeanor of an assault upon an officer; and was sentenced to be drummed out of the service. I went to the square where I found cheese for sale, weighing about two pounds for twenty-five cents; four biscuits for twenty-five cents and other little things in proportion. The women I do not think pretty, but there are exceptions.”

Suffice it to say that the diary rambles along delightfully as the troops proceeded southward through Galisteo, Santo Domingo and Isleta, witnessing Indian dances and

taking part in Mexican bailes. Robinson was one of the men who were detached to invade the Navajo region by way of Laguna and Zuñi. His description of the Navajo ceremonies and customs is graphic and of some ethnological value. He rejoined his command on the march to Chihuahua, incidentally describing an execution of a Mexican spy who died like a stoic. "When he was asked whether he would have his eyes bandaged or not, his reply was no, he would die facing his enemy. He received the last office of benediction from the priest with perfect composure, struck fire the first stroke of his flint to light his cigar, and commenced smoking as calmly as though he was about to take dinner. When the eight rifles were raised and cocked, not a muscle moved to betoken agitation, but he took his cigar from his mouth, held it between his fingers until the word fire was given and in an instant the warm blood spouted from his forehead and breast and he fell dead. We waited a moment until he was carried off by some women when we turned our horses and resumed our march in silence."

The preface, historical preface and notes by Carl L. Cannon are illumining and of value to the student. However, even the casual reader will find the book decidedly worth his while.—*P. A. F. W.*

Cope: Master Naturalist. The life and letters of Edward Drinker Cope, with a bibliography of his writings classified by subject. A study of the pioneer and foundation periods of vertebrate paleontology in America. By Henry Fairfield Osborn, senior geologist, U. S. geological survey; honorary curator, department of vertebrate paleontology, American Museum of Natural History. With the co-operation of Helen Ann Warren [and others]. Illustrated with drawings, and restorations by Charles R. Knight under the direction of Professor Cope. (Princeton University Press, 1931. London: Humphrey Milford, Oxford University Press. 740 pp. \$5.00.)

American biography and the history of natural science are both distinctly enriched by the publication of this extensive and really adequate life of one of the country's, and of the world's, greatest naturalists and natural philosophers. The idiosyncratic quality, variety, and abundance of the subject's genius is captured and exhibited for the reader with remarkable skill and gratifying success. The book is the outgrowth of years of knowledge and experience of general and special studies, and figures against a uniquely suitable background of familiarity alike with Cope and with the field, or fields, of his labors. A labor of love and extreme care, it reveals the man directly, largely through his correspondence, also by just characterization and personal reminiscences. It is a balanced book, well systematized, picturesquely descriptive, frank and personal, sympathetic yet impartial, containing a vast deal of technical information as a guide to the student, and many highly readable pages of dramatic narrative and the quotation of brilliant, meaty, or witty sallies by Cope himself. The preparation has been painstaking, co-operative, partly a polygenetic compilation, analyzed and synthesized *de novo*; and its inclusiveness is, on the whole, all that could be desired. Even its omissions are in good taste, and leave the reader in want of nothing essential for a proper understanding of Cope and his work.

The career of Cope (Philadelphia, United States, and the world, 1840-97), his specialties, contributions, explorations, interpretations, personal idiosyncrasies, successes and trials, even his voluminous publications, must here be passed over without a word of summary.

Cope was a pioneer in exploration and discovery both in zoölogy and geology, especially in vertebrate paleontology, whose work in our state figures prominently in the history of American science and whose discoveries in the paleontology of the state throw considerable light upon its geological history.

New Mexico figures in some ways above all other states in the record of Cope's remarkable career. In 1874 Cope

joined the Wheeler (U. S. geological) survey of the territories west of the 100th meridian, entering the virgin territory of New Mexico, as yet untouched by paleontologists—[either by Laidy or March or any other]. His greatest work was done in the *Coryphodon* beds of the lower Eocene, beneath which he discovered the basal Eocene beds which he called the “*Torrejón*” and the “*Puerco*” immediately above the Cretaceous dinosaur beds. This was an entirely new discovery and the fauna were both characteristic and archaic. This paleocene Puerco horizon of Cope ranks among the first of his geological discoveries, and by some is considered such. Later he found mammaliferous upper Miocene and lower Pliocene marl beds near Santa Fe, with the remains of rhinoceri, mastodents, camels and carnivores. His letters and diaries abound in natural history and botanical observations. In the lower Eocene Wasatch beds many fossil mammals, and reptiles galore, even birds and fishes, were brought to light. Important studies were made of the living fauna, especially reptiles, of the state, which figure prominently in long subsequent publications. His letters of this place and period abound in humanly interesting historical incidents of his journey, reference to the Navahoes; etc., and occupy several pages. In 1883 he is again in New Mexico, writing interesting letters home and exploring the Cretaceous. We cannot enumerate new genera and species found, but richly indeed did New Mexico contribute, through the pioneer, Cope, to our knowledge of the ancient life and history of our continent.

William Harper Davis.

BIENNIAL REPORT OF THE PRESIDENT
1930-1931

Members of the New Mexico Historical Society:

I am deeply appreciative of the honor conferred by your re-electing me for the fourth consecutive time for a two-year term as your president. In turn, I point with pride to the achievements for the society and the cause it represents through the faithful and brilliant work of my fellow officers.

Foremost among the attainments of the past two years is the building and completion of the east wing of the Palace of the Governors, especially planned for library and reading room. Its dedication was made an event of state-wide importance in which the governor of the commonwealth and other distinguished guests took part. Under the direction of the librarian of the society, Mrs. Rupert F. Asplund, the books in the various libraries housed on the premises not only of the Palace of the Governors, but also of the Art Museum, were added to the collections of the Historical Society, scientifically catalogued and shelf-listed and placed so as to be available to the scholars and students who frequent the library in increasing numbers. Additions are being made by gift and purchase and while lack of funds prevents the acquisition of many desirable volumes, continuous effort is made to obtain every worthwhile publication appertaining to the history of the state. In addition to the new library, several rooms along the northern boundary of the Palace patio have been renovated and reconstructed for office, newspaper files, stack rooms and library extension pack rooms. No doubt, the librarian will render a detailed account of the noteworthy work that is being done under her supervision.

Under the guidance of Dr. Edgar L. Hewett, director of the Museum, his assistants, as well as the staff of the

library and the Historical Society, all exhibits of the society have been rearranged and scientifically displayed in period rooms and chronological order. Non-essential and duplicate objects have been stored in the fire-proof basements of the Art Museum.

The attractiveness of the exhibits, as now displayed, is commented upon by many visitors who tell us that the material and arrangement compare favorably with those of historical societies of much wealthier states, and even surpass them. There are constant additions by gift or purchase to these exhibits. However, here again, lack of funds compels us to decline the offer of objects which should be kept in the state for their historical value; yet, no effort is spared to obtain objects of real importance. From time to time, new displays of historical material are made, especially in the way of the invaluable manuscripts and maps of which the society has possession.

Mainly through the indefatigable labors of your corresponding secretary and treasurer, Mr. Lansing Bloom, the *New Mexico Historical Review* has appeared regularly each quarter and has added many studies of much interest to available printed material. We can continue to point with pride to this quarterly which is the peer of other historical periodicals both in scholarliness and appearance. The Museum and University Press deserve commendation for the manner in which the quarterly is printed at a cost that has kept it within reach of the society's budget. Several of the more important contributions have been issued as separates or bulletins. The Quivira Society, mentioned in my last report, has just brought out its second volume.

Mr. Bloom continues on the faculty of the University of New Mexico. Since the last biennial report he has been in Mexico City as research worker and obtained much source material for historical study. He will present in his report a review of archive and other work during 1930 and 1931, which has redounded to the advantage and usefulness of the society.

The passing of Curator Henry Woodruff and the resignation of Mrs. Woodruff, both of whom for forty years served the society faithfully, were given recognition in suitable manner and recorded in the state press as well as the *Historical Review*. The selection of Miss Hester Jones to succeed them was a happy one, for she has given every proof of ability and success, both as hostess to the thousands who pass through the Palace of the Governors and as a scholarly and painstaking curator who takes a delight in her duties. Miss Jones is making a special study of the implements, utensils and appliances of the Spanish period in New Mexico, a study that will be published eventually in the *Review*. Her report as curator will go into details of considerable interest to every member of the society.

Governor Arthur Seligman and the legislative assembly were generous in their recognition of the society's needs. There are constitutional limitations to the amount that is appropriated for the general fund of the society but there is no inhibition which prevents grants for special purposes and work. However, there is need for endowments and gifts. Worlds of source material await careful study, hundreds of valuable books and pamphlets are in need of binding, priceless newspaper files need to be sorted, catalogued, indexed and bound, uniform cases for exhibits are much needed.

The Spanish Colonial Arts Society has taken a commendable interest in our work, and it is with sadness that we record the passing of one its leading spirits and a warm friend of the Historical Society, Mr. Frank G. Applegate. The material exhibited by the Arts Society is of an especially attractive nature and adds much to the fame of the Palace of the Governors as a treasure house of historical and archaeological interest.

Every effort is made to hold regular meetings at which papers and addresses of historical interest are presented. The attendance has been good and the addresses well worthy of serious publication.

No sustained effort has been made for the gaining of additional members. The prevailing financial depression seemed to make a membership campaign inadvisable. Some thought has been given to amalgamating the New Mexico Archaeological Society with the Historical Society. This would be desirable for many reasons. Perhaps an arrangement creating several classes of active membership whose dues would be governed by the publications each receives, will prove the basis. The matter of local societies has received attention and it is a pleasure to report the organization of such a society with a museum of its own, at Las Vegas, where, through the efforts and generosity of J. D. W. Veeder and the assistance of Dr. C. H. Gossard, the president of the Normal University, more than a hundred memberships have been obtained and there is every promise of active archaeological and historical research work.

Dr. Edgar L. Hewett and his staff are giving every possible assistance in the proper installation of the museum exhibits in the Meadow City. Branch museums and archaeological societies which are interested in the history of their section have been organized in Silver City in connection with the State Normal School there, at Carlsbad, Roswell, and in other places.

That the New Mexico Historical Society enjoys the good wishes of a host of friends not only in the state, but throughout the nation, is manifest by gifts of exhibit material, books and magazines, by correspondence, exchanges and publicity generously given by the press.

There has been hearty cooperation among your officers, and these look forward confidently to further progress and attainments during the years to come.

PAUL A. F. WALTER, *President.*

January 19, 1932.

BIENNIAL REPORT OF THE SECRETARY- TREASURER

During the two years of the past biennium your secretary-treasurer has continued in residence in Albuquerque, in connection with his work at the University of New Mexico, and by arrangement already in effect between our society and the Museum of New Mexico most of the routine correspondence of the dual office has been handled through the museum office. Correspondence which has been referred to your secretary personally to handle has included communications not only from various parts of the United States, but from Mexico, England, Germany, France, Spain, and Italy, and even from Uruguay.

With limited resources and under limitations also as to time available, we have been continuing the archive work in which our society is interested. From July to December, 1930, your secretary was in Mexico City, by joint arrangement with the University of New Mexico and the School of American Research; and (as has already been reported to you) brought back in photographic form some 17,000 pages of archive material relating to the history of New Mexico prior to the year 1760.

During the summer of 1931, through a small fund provided by the Museum of New Mexico and our society, Mrs. Bloom and daughter, Carol, carried on work—the former in continuing the calendar of the “New Mexico archives” and finishing to about the year 1839; the latter making a start in the large task of printing (a) the archives secured from Spain through our arrangement with the Library of Congress, and (b) those secured in Mexico. After helping them to begin this work, your secretary went to California and did some work at the Bancroft Library, Berkeley, and at the Huntington Library, San Marino. In both of those libraries he found considerable archive ma-

terial which unquestionably once formed part of the official archives in Santa Fe. While the libraries at Berkeley and San Marino are delightful places in which to work, it is unfortunate that the old records of New Mexico should be thus scattered, and an effort should be made to have them restored to Santa Fe.

It was not possible this past fall to continue the archive work in Mexico, but it will be of interest to the members to know that arrangements are now pending, so that this work may be continued during the coming summer, or possibly next fall.

Part of your secretary's correspondence has been in connection with his duties as editor of our *Historical Review*. The results in part are found in the issues of the last two years, to which some thirty different writers have contributed.

One pleasant duty this last fall was to follow up the action by the executive committee in nominating three new Fellows. By the returns received, Percy F. Balwin, France V. Scholes, and Alfred B. Thomas have been unanimously elected to that body. In this connection I might report also that Professor Scholes has been succeeded as an associate editor of our quarterly by Dean Baldwin, of the Agricultural College of New Mexico.

Through our correspondence we are frequently offered accessions for our historical museum or for the library, and far too often it is necessary to reply that we are unable to consider them. Some months ago Mrs. Barbara Aitken reported important documentary material as available from an estate in England, material of value in Southwestern history. An offer was made through her, but we have not yet had any definite word.

Recently the original papers of Lieuts. Emory and Abert, and Capts. Cook and Johnston, of 1846-47, with accompanying drawings of more than seventy battlefields, cities, and ancient ruins were offered in typed copy,—if we would pay for the cost of the transcript. In reply, we

asked whether the owner would allow us to examine the material, especially the drawings. Some of the latter might be of very great interest to us and to the school; but if so, could we manage to buy them? It is the old embarrassing problem of funds which are far too meager to acquire and conserve the historical materials which our state should have.

A summarized statement follows from the treasurer's books for the past two years:

January 21, 1930—Balance on hand	\$ 533.31	
January 1 to June 30		
Received from State Treasurer	1,037.00	
Received from other sources	521.88	
	<hr/>	
Disbursed	\$2,092.19	\$1,696.61
Balance on hand		395.58
July 1, 1930—Balance on hand	395.58	
July 1, to January 1, 1931		
Received from State	1,000.00	
Received from other sources	1,013.05	
	<hr/>	
Disbursed	2,408.63	2,051.13
Balance on hand		357.50
January 1, 1931—Balance on hand	357.50	
January 1 to June 30		
Received from State	1,000.00	
Received from other sources	889.49	
	<hr/>	
Disbursed	2,246.99	1,866.80
Balance on hand		380.19
July 1, 1931—Balance on hand	380.19	
July 1, 1931 to December 30		
Received from State	1,250.00	
Received from other sources	768.29	
	<hr/>	
Disbursed	2,398.48	2,163.32
Balance on hand		235.16

With regard to our financial record, the following tabulation of revenues during the last two bienniums may be of interest:

	<i>January balance</i>	<i>from State</i>	<i>from other sources</i>
1928:	\$943.67	\$2,166.66	\$ 693.28
1929:	650.46	1,833.34	896.71
1930:	533.31	2,037.00	1,534.93
1931:	357.50	2,250.00	1,657.78

The state appropriations just about carry our overhead, although salary and office expense have about doubled since the preceding biennium. The decrease in the balances is accounted for in part by the fact that, during 1928-1929, \$1,200 was put into archive work in Spain; and, in 1930, \$500 was invested in similar work in Mexico.

The increase in revenue from "other sources" is mostly accounted for by the fact that at the close of 1929 our annual dues were changed from \$1.00 to \$3.00 a year, the present rate carrying with it subscription to our quarterly which until then had been additional. The increase is partly explained also by greater revenue from sales of publications. An interesting fact is that receipts from these two sources just about offset our present expenses of publication. Payments to the press during 1930 totalled \$1,314.51; during 1931 they were \$1,465.80. In other words, our annual dues are not yet sufficient to cover entirely publication costs; but the deficit is covered by the sales of back files, and of our other earlier publications, and also by commissions on sales of the Twitchell publications.

In this connection, it might be well to note that from the sales of our bulletin No. 24, the "Fort Marcy fund" now stands at \$168.06; and the total sales to date of Father Meyer's special paper on St. Francis and Franciscans in New Mexico for the "Cross of the Martyrs fund" have been \$52.00.

Advertising in the quarterly brought in \$150 during 1930, and \$102.85 in 1931. We have had none in the last two issues.

Our society has suffered the loss by death of three of our life members:

José E. Chaves, New York City
Edward P. Davies, Santa Fe
Henry Woodruff, Santa Fe

The Historical Society of New Mexico

(INCORPORATED)

Organized December 26, 1859

PAST PRESIDENTS

- 1859 — COL. JOHN B. GRAYSON, U. S. A.
1861 — MAJ. JAMES L. DONALDSON, U. S. A.
1863 — HON. KIRBY BENEDICT
adjourned sine die, Sept. 23, 1863
re-established Dec. 27, 1880
1881 — HON. WILLIAM G. RITCH
1883 — HON. L. BRADFORD PRINCE
1923 — HON. FRANK W. CLANCY
1925 — COL. RALPH E. TWITCHELL
1926 — PAUL A. F. WALTER

OFFICERS FOR 1932-1933

- PAUL A. F. WALTER, *President*
FRANCIS T. CHEETHAM, *Vice-President*
COL. JOSE D. SENA, *Vice-President*
LANSING B. BLOOM, *Cor. Sec'y-Treas.*
MRS. REED HOLLOWMAN, *Recording-Sec'y*
MISS HESTER JONES, *Museum Curator*

FELLOWS

- | | |
|---------------------|----------------------------|
| PERCY M. BALDWIN | EDGAR L. HEWETT |
| RALPH P. BIEBER | FREDERICK W. HODGE |
| WILLIAM C. BINKLEY | ALFRED V. KIDDER |
| LANSING B. BLOOM | J. LLOYD MECHAM |
| HERBERT E. BOLTON | THEODOSIUS MEYER, O. F. M. |
| AURELIO M. ESPINOSA | FRANCE V. SCHOLES |
| CHARLES W. HACKETT | ALFRED B. THOMAS |
| GEORGE P. HAMMOND | PAUL A. F. WALTER |

CONSTITUTION

OF THE

HISTORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 19, 1929)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, two vice-presidents, a corresponding secretary and treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors shall have been elected and qualified.

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be \$3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review*.

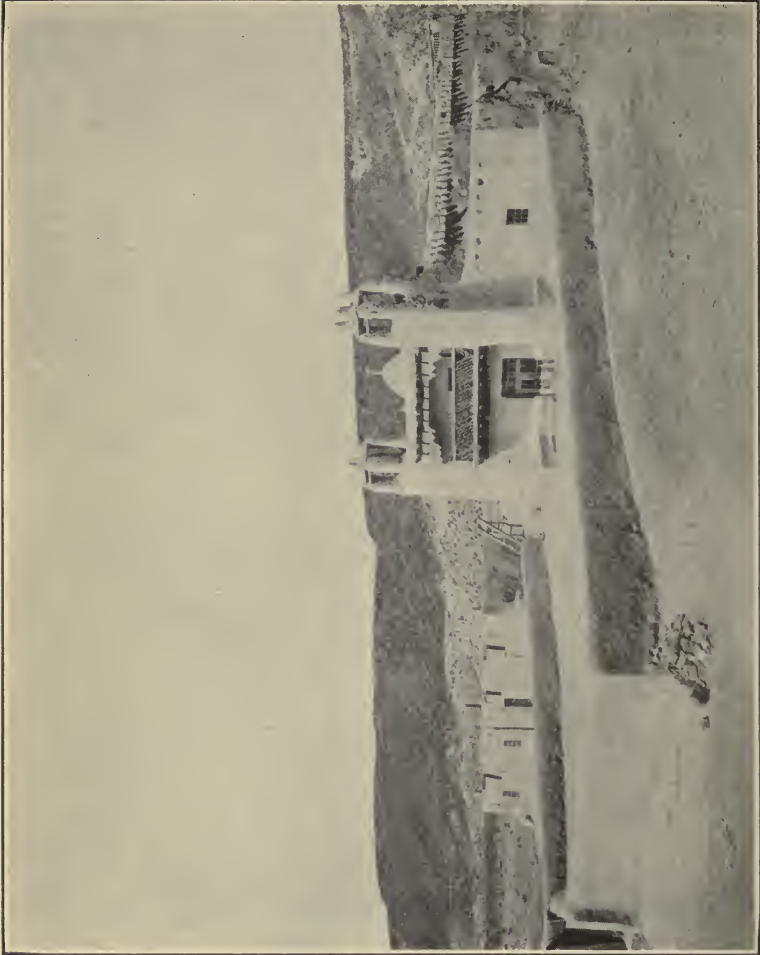
Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Mr. Lansing B. Bloom, Santa Fe, N. Mex.



OLD MISSION CHURCH AT SAN FELIPE PUEBLO

NEW MEXICO HISTORICAL REVIEW

Vol. VII

JULY, 1932

No. 3

NAVAHO ORIGINS

By CHARLES AMSDEN

Executive Secretary, Southwest Museum

ONE cannot conceive of the Southwest without its semi-nomadic peoples, the Apache and the Navaho; they are as closely associated with the region today as are the Pueblos themselves. So at first thought it is surprising to find that the early Spanish explorers—Fray Marcos de Niza, Coronado and his several chroniclers, Fray Agustín Rodríguez, and Antonio Espejo—make no mention of either tribe. The various accounts of the Coronado explorations do indeed mention Querechos—"the people of the buffalo country"—a number of times; and it has been conjectured that the easternmost Apache, the Jicarillas in particular, were loosely classified under this head, which became apparently a general covering term for nomads as distinct from the sedentary Pueblos. (See Winship, pp. 527, 587, 580, 588.) Luxán mentions Querechos at war with the pueblo of Ácoma, and Querechos again in the "province of Mõqui" (pp. 86, 97); but a single tribe would scarcely cover

1. Were these the Navaho? It is not likely, for the Luxán narrative indicates that Espejo's party, like those of Tovar and Oñate, met no Indians between Cíbola (the Zuñi villages) and Tusayán (the Hopi pueblos), their nearest approach to the Navaho country of today.

It is true that Bandelier thought the "Apaches-Navajos were then certainly neighbors of the Zuñis, as they are today" (Documentary History of the Zuñi Tribe, p. 45); but he gives no reason, and admits it is strange they were not mentioned by any of the chroniclers of Coronado's march. That none of the subsequent explorers mentions them is stranger still—unless we conclude that the Navaho were still unknown in Cíbola and Tusayán.

Bancroft (p. 20) tells of Navaho advice to the Moqui, in 1692, "not to trust the Spaniards"—indicating that Navaho and Hopi were then in contact, late in the 17th century, it will be noted.

the vast territory extending from the Texas plains to Tusayán, hence it is almost obvious that "Querecho" became somewhat of a byword for "wanderer" as opposed to settled farmer, much as the term Apache was employed in later times, or as "Chichimecos" was used in Mexico to designate any warlike people.

It by no means follows that the Navaho came under this designation, however, or indeed that they were ever encountered by the early explorers of the Southwest. On the contrary, there is every reason to believe that none of the expeditions of the 16th century had any contact with them, or learned of their existence in any specific way. Coronado entered the Pueblo country at Cíbola, and marched eastward to Tiguex and the Rio Grande Pueblo territory via Ácoma. Subsequent expeditions reversed the route (coming first to Tiguex by following up the Rio Grande from El Paso) without changing its general lines; and it became almost traditional to make the "grand tour" of the Southwest on a circuit roughly resembling a thin, bent figure 8 laid on its side: the left-hand loop representing the Zuñi and Hopi country, the right-hand loop the Rio Grande Pueblo region, with Ácoma as the central point where the loops meet. If anybody pushed northward at any point along the circuit—toward the San Juan River and the present Colorado-New Mexico boundary—the fact has escaped notice. All accounts indicate clearly that the northernmost lines of pueblos marked the limit of Spanish exploration in the 16th century, and it seems proper to conclude that the Navaho were not encountered because they lived somewhere north of this line, where all but a few of them live today.

The Traditional Homeland

Navaho tradition defines the homeland of the tribe quite as clearly, in general outline, as lines on a map, and Washington Matthews has recorded it all with his usual painstaking care in "The Navaho Origin Legend" (in *Navaho Legends*, 1897).

It is characteristic of a pantheistic folk to associate the outstanding physical features of its territory with the pantheon: Grecian mythology offers a familiar instance. In like manner is the Navaho country marked by points of major and minor importance in the legendry of the tribe. Each of the four cardinal points has its sacred mountain, the cosmic limit in that direction as seen through the mist of tradition. North is marked by a mountain (not surely identified) in the San Juan range of southwestern Colorado; South by Mount San Mateo, later called Mount Taylor, in the region of Ácoma; East by a peak in the Jemez Mountains, thought by Matthews to be Pelado; West by San Francisco Mountain, just north of Flagstaff, Arizona. Those are the major points, the boundaries of the Navaho world as created by the tribal gods. Minor points are Hosta Butte, northeast of Gallup, New Mexico; Shiprock, in the northwest corner of the state; and El Cabezón (Spanish for the Great Head) between Jemez and Mount Taylor. El Cabezón is the head of a god, and the great beds of lava lying south and west of Mount Taylor are his blood (Matthews pp. 221, 234).

Tradition is not fact, to be sure, but the identification of definite physical features with the origin myths of a people is sound evidence of passably long residence amid those features; hence there is no good reason to doubt that the Navaho occupied the region outlined above at a time remote enough to justify its association, plausibly, with the origins of the tribe.

Tribal Beginnings

Of the character of those origins we have some interesting evidence through the patient researches of Mr. F. W. Hodge, who in a paper on "The Early Navajo and Apache" correlated Matthews' legendry of Navaho origins with his own broad knowledge of Spanish historical sources and drew a number of conclusions that seem eminently sound in

the main. These will now be summarized and tested against other evidence on the same point.

The intermediate social unit among the Navaho is the clan. As with the Pueblos, the Navaho trace most of their clans back to a tribal accretion of alien groups or individuals, the founders of the clan. Hodge, taking Matthews' legendary accounts of clan beginnings, shows how successive groups from surrounding peoples joined the original (apparently small) tribal unit, swelling its numbers to the point of making the Navaho an ever-growing menace to the Pueblos round about. We have only the evidence of the tradition for the addition of Utes, of Apaches, of an unidentified Shoshonean group, and of various Pueblo units. But parts of the legend of Navaho origins have their roots in historic time and are subject to factual analysis.

Thus a Mexican clan, originating in a raid on a Spanish colony near Socorro, New Mexico, could not possibly have come into existence before the 17th century, for want of European settlement in that region. Similarly, Hodge shows that a clan group from the salt lake south of Zuñi is identifiable with the abandonment, not long before Coronado came to Cibola, of Marata, the Zuñi community on that spot, whose walls were found standing by Coronado's party. And the abandonment of Marata is almost of historic record, for Fray Marcos de Niza in 1539 talked with an old Zuñian—living in exile with a tribe farther south—who remembered Marata and thought it still inhabited!

Working backward from these known historic points, with the "age of an old man" as his unit of time measure, in accordance with the traditional Navaho method of reckoning Hodge places the very beginnings of the Navaho tribe at about 1485 A. D. Matthews, working on legendary testimony without the aid of historical evidence, had carried the tribe back to "between 500 and 700 years ago, or seven ages of old men" (Hodge, p. 223); that is, back to 1200 to

1400 A. D. Matthews' is a calculation based on the tribe's own version of its beginnings; Hodge's is a revision of the same body of evidence in the light of historic factors that touch the story at certain points. Both lead very definitely to the conclusion that the Navaho tribe is of mixed ethnic character and of rapid and recent formation: a *parvenu* people like their ultimate conquerors, the Americans; and both calculations rest, in the last analysis, on the shifting sands of tradition.

There is, however, much more evidence pointing toward the conclusions just reviewed. The cliff dwellings and abandoned pueblos of the Navaho country figure in tradition as ruins, formerly the abode of gods (Ethnologic Dictionary, p. 30); and we know positively, through archaeological research checked and verified by the tree ring chronology of Dr. A. E. Douglass,² that several of the most conspicuous ruins of the heart of the Navaho country—Pueblo Bonito and others of Chaco Cañon in particular—were inhabited as late as 1100 A. D., while others farther west, in Cañon du Chelly and del Muerto, date well into the 13th century. Inferentially, then, the Navaho came upon these ruins after the dates given.

The mixed physical character of the Navaho, as suggested by the legend of origins, is verified by the anthropological studies of Dr. Ales Hrdlicka (1900), who finds a great diversity of physical traits: so great, indeed, that everyone who troubles to observe the Navaho with more than cursory interest soon sees that the tribal physical types range from the squat solidity of the Pueblos to the tall, sinewy build characteristic of the tribes of the Great Plains.

Navaho culture reveals this same mixed character. On the ceremonial side it appears to have borrowed heavily from the Pueblos; its basketry is strongly Shoshonean; its

2. This interesting and entirely convincing method of dating Pueblo ruins by means of the annual rings of growth shown by the roof beams and supporting posts found in them is described by its originator in the *National Geographic Magazine* for December, 1929.

pottery, utterly un-Southwestern, and the earth-lodge type of dwelling or hogán, both greatly resemble those of the Mandan of the Plains; while weaving, the outstanding tribal craft, is Puebloan in its very essence. Language, it is true, fails to support the conclusions of Matthews and Hodge: Dr. Edward Sapir informs me that the Navaho speech is Athapascan of surprising purity, considering the obvious vicissitudes of tribal development. But we might remember in this connection that the Nordics and Latins who figure so largely in the American nation have changed our speech but little from that of England today; and that the language of a dominant people, history reveals, comes little scathed through tremendous changes in the social and ethnic structure. All in all, there is little evidence of tribal antiquity and homogeneity in the Navaho, whether we view them in the light of their own traditions or in that of extraneous circumstance.

Location in Early Historic Times

If the Navaho tribe grew rapidly from small beginnings, one would expect to find its territorial strength in commensurate increase; and this in fact seems to be the case. There is good reason to believe the tribe centered in early historic times in the northeastern portion of its later broad domain, with the San Juan River marking its northwesterly limit and the foothills of the high mountains lying along the present Colorado-New Mexico boundary as a barrier to the northeast. Southward lay the chain of Pueblo villages of the Rio Grande valley, westward a vast empty area which the ambitious tribe was rapidly to make its own.

The very name Navaho has an association with this northeastern territory in the most generally accepted explanation of its origin.³ Dr. Edgar L. Hewett (1906) points out that "in the second valley south of the great pueblo and

3. Derivation from Spanish words (for the Spanish first used the name in writing) has been suggested: from *nava*, a plain, or *navajo*, a clasp knife. But although the words fit the case nicely, the historical connection is hard to establish.

cliff village of Puyé in the Pajarito Park, New Mexico, is a small pueblo ruin known to the Tewa Indians as Navahú, this being, as they claim, the original name of the village. The ruined villages of this plateau are all Tewa of the pre-Spanish period. This particular pueblo was well situated for agriculture, there being a considerable acreage of tillable land near by, far more than this small population would have utilized . . . The Tewa Indians assert that the name 'Navahu' refers to *the large area of cultivated lands.*" This suggests an identity with Navajó which Fray Alonso de Benavides, in his *Memorial* on New Mexico published in 1630, applied to that branch of the Apache nation (Apaches de Navajó) then living to the west of the Rio Grande, beyond the very section above mentioned. Speaking of these people Benavides says: "But these (Apaches) of Navajó are very great farmers for that (is what) Navajó signifies —'great planted fields'." (Quoted in Benavides, pp. 266-267).

The word "Navajo" as a geographical term must have been well established, for Gregg, as late as 1844, speaks of the "ruins of Pueblo Bonito in the direction of Navajo." (Vol. I, p. 285).

The Navajo in History

The first known historical reference to the Navaho⁴ places them in the region whence their name is believed to derive. It is found in the "Relaciones" of Father Gerónimo Zárate-Salmerón, a history of Spanish activities in California and New Mexico between 1538 and 1626. The pertinent portion follows, as translated by Lummis in the *Land of Sunshine* magazine for February, 1900 (Vol. 12, No. 3, p. 183): "When I said to these Hemez⁵ that if there were

4. The Apache, cousins of the Navaho through their common Athapaskan linguistic affiliation, precede them in history by only a few years: Oñate mentions them in 1599 in a letter to the Viceroy of New Spain, locating them in "this eastern country" along with the people of Pecos (Cocoyes). See Bolton pp. 212, 218, for the translated passage.

5. People of Jemez Pueblo, who had told Father Gerónimo of a nation living to the northwestward, who spoke the ancient Aztec tongue. This nation may have been the Utes, distant linguistic kinsmen of the Aztec.

guides I would gladly go to discover this nation . . . they replied that . . . [one had only to] go out by way of the river Zama (Chama) and that past the nation of the Apache Indians of Nabahú (our Navajos) there is a very great river (this was the upper course of the Colorado or Buena Esperanza) . . . and that the river suffices for a guide. And that all was plain with good grasses and fields between the north and the northwest; that it was fertile land, good and level and that there are many nations—the province of Quazulas—the qusutas (Utas) and further inland another nation settled.”

The geographic location of the “Apache Indians of Nabahú” is clear beyond question: it was between the Chama and the “very great river” that “suffices for a guide,” which must be the San Juan, largest eastern tributary of the mighty Colorado.⁶ North of this river lived the Utes—surely the “qusutas” of the old chronicler—with whom the Navaho have fought and traded for centuries. The intervening country is as described, even today: “all plain with good grasses and fields between the north and the northwest.”

Here, then, lived the Navaho when the light of history first falls upon them. For further confirmation we have the statement of Benavides (pp. 43-53) dating from 1630, that he founded a monastery at Santa Clara pueblo for the conversion of the Navaho; and the note by Hodge in the same, page 243, that the Navaho caused the abandonment of Jemez Pueblo about 1622, by their frequent raids. Luxán tells of trouble between Ácoma and the Querechos in 1582 (p. 87), and it is possible that these Querechos were the Navaho, since Ácoma is not far from the sacred mountain of the south, Mount Taylor. Zuñi and Hopi apparently

6. Despite Lummis, as just quoted, because the Colorado is very distant, with rugged mountain ranges intervening. The only “very great river . . . past the nation of the Apache Indians of Nabahú” is the San Juan.

7. “Ute River” was an old Navaho name for the San Juan, Mr. Earl Morris has told me.

were not molested until a later time,⁸ although from early in the 18th century until the subjugation of the fractious tribe by American troops in the middle of the 19th, the Navaho were among their most dreaded enemies.

The Navaho Become Weavers

We have seen the Navaho definitely brought into the historic scene by Zárate-Salmerón and Benavides early in the 17th century, but neither of these chroniclers indicates in any way that weaving was a tribal craft. In the case of Zárate-Salmerón little importance need be attached to this negative evidence, for he is concerned mainly with Spanish affairs.

Benavides, however, is in another situation; his *Memo-rial* is devoted to a description of the customs and the industries of the natives of New Mexico, and this subject is treated with sufficient thoroughness to assure mention of any activity important enough to serve as a descriptive detail. Weaving in particular is emphasized and lauded by Benavides when he speaks of the Pueblos, for the good friar is writing, in fact, a campaign document designed to impress the high Spanish authorities, that they may be moved to support more generously the colonization of New Mexico and the conversion of its native peoples. He puts the Indians in their best light always, not forgetting to stress the economic aspects of his subject, with a canny appeal to avarice as well as to Christian zeal. The natural resources of the province are not overlooked, nor is the fact that every Pueblo household pays an annual tribute to the Spanish authorities of one *vara* (33 inches) of cotton cloth. If the genteel and economically useful craft of weaving had been found among the Navaho, this shrewd propagandist would not have overlooked it, we may be sure; for he displays a particular interest in that tribe, devoting several pages of

8. An old Hopi man told Mr. F. W. Hodge that the Ute, not the Navaho, were the traditional enemies of the Hopi, clearly implying that the Navaho came later. Spier was told that the Havasupai first saw Navaho among them about 1860 (p. 362ff).

his *Memorial* to an account of his efforts to convert it to Christianity and to a description of its customs. Benavides mentions Navaho agriculture, describes the Navaho hogán, indicates that the tribe lives by hunting and is skillful at leather work (they made him a present of dressed deer-skins). But of weaving there is not a word; so we may conclude that the craft was either non-existent or of slight importance among the Navaho in 1629.

Unfortunately for this study of Navaho weaving, the remainder of the 17th century is almost barren of available historical records. The Pueblo Rebellion of 1680 came as the culmination of a long period of friction between native and Spaniard, and it undid nearly all that had been accomplished toward settlement and conversion. Every colonist was swept from the land during the twelve troubled years that followed, and most of the Spanish records within the province were destroyed. But we know that the Navaho took no stand in the conflict between native and invader. They used the war as a lever for their own ends, preying on the harassed Spanish settlements and the hard-pressed revolting pueblo communities with complete impartiality, and their flocks and horse-herds grew rapidly in consequence.⁹

The tribe grew as well, during these troubled times. Many pueblos sent their non-combatants into the Navaho country for refuge when capture by the dethroned conquerors seemed the only alternative,¹⁰ and numbers of these refugees were merged into the tribe. If the Navaho were not already weavers, certainly they had a golden opportunity of becoming such during the Pueblo Rebellion, with experts in the craft living among them, and their flocks growing rapidly. In the light of this situation (and bearing in mind that Spanish colonists with their European sheep had been established in New Mexico only one cen-

9. Bancroft gives a good account of Navaho activities during this period. See, in particular pp. 201, 222, 223.

10. Kidder describes ruins in Gobernador Cañon in northwestern New Mexico, which show a jumble of Navaho and Pueblo house structures, and pottery characteristic of both peoples; concluding that they date from this period when Pueblo and Navaho lived for a brief time together.

ture) it is highly probable that the Pueblo Rebellion established weaving among the Navaho, and that we may consider it a tribal craft from then onward.¹¹ Some beginnings may have been made earlier, to be sure, but it would be rash to assume that a tribe of semi-nomadic hunters could—in the short space of a century—make the fundamental readjustments implicit in the pastoral mode of life and the practice of weaving. For the sheep, like the horse, was predestined to become a dominant factor in the tribal life, making basic and far-reaching alterations in its pattern. This helpless little animal, supplying as it did the meat and the clothing of the tribe, moved into a position of economic dominion over its masters which altered the destinies of the Navaho nation for all time to come. An embarrassing hostage to fortune it finally proved to be, for when the Navaho were at last conquered and induced to live peaceably on a reservation as wards of the American government, it was the slaughter of their flocks that brought them to their knees in submission. Civilization conquered the Navaho, not with the gun or the gospel, but all unwittingly, by means of the lowly sheep!

Historical Records of Weaving

When research historians shall have laid before us more fully the mass of historical data on provincial New Mexico, now buried in the archives of Spain and Mexico, we shall certainly find in it some reference to Navaho weaving in the early 18th century.¹² But for the present the his-

11. There is a story—vaguely legendary—that the Navaho compacted with the Hopi to teach them weaving. It does not ring true to the anthropologist, who knows that crafts and customs are generally diffused without such conscious and deliberate fostering. The practical American mind sees nothing shocking in the abrupt abandonment of practices hallowed by tradition and custom, in favor of new ones; but the Indian mind would certainly recoil from such a step.

12. For example: Bancroft, p. 247, has a promising reference to an official investigation of missionary affairs in New Mexico in 1745, at which "a dozen witnesses formally told the governor all they knew about the Navahos, which was not much." His information came apparently from "a manuscript in the Pınart collection." It must be said, too, that Hodge in the Ayer translation of Benevides' Memorial, summarizes various unsuccessful missionary efforts among the Navaho during the 18th century, but without mention of weaving (note 45, p. 268.)

tory of this craft begins with a sentence found in a letter from Teodoro de Croix, the Commander-General of the Interior Provinces of New Spain to his superior, José de Gálvez, written February 23, 1780, and recently translated by Prof. A. B. Thomas in *Forgotten Frontiers*, p. 144, as follows:

“The Navajos, who although of Apache kinship have a fixed home, sow, raise herds, and weave their blankets and clothes of wool, might follow the good example of the Moki . . .” Croix speaks from experience, not hearsay, for he was then in New Mexico, engaged in the task of adjusting (by armed diplomacy) the rebellious tendencies of the various native tribes to the colonial policy of Spain on this northern frontier of its vast empire of the New World.

A task of heroic proportions it was proving to be, as Thomas makes clear. The thin line of Spanish settlements dotting the valleys of the Rio Grande and its tributaries from El Paso to Taos was completely ringed about with marauding and restive tribes. The Comanche menaced the entire eastern face of this fragile wall of *presidios*, missions, and homesteads. The Apache swung in a long curve across its southern and westerly exposures, from the Pecos to the Gila, a constant menace to the northern settlements in the Pueblo territory and to the Sonora frontier (Spain's second line of frontier defense) as well. The Hopi province on the northwest corner of Spanish territory had made good its independence and was a constant source of irritation if not of open trouble. Northward—foes alike of the Hopi and the Spanish—lay the Ute; and between them and the Spanish villages of the Chama valley, as we complete our circuit, were the Navaho, growing constantly bolder and stronger in their challenge to Spanish protection of the Pueblo villages whose spoliation was becoming a tribal custom. And of all these enemies, the Navaho were to prove the boldest and the hardest to control in the century to follow. Unlike the Apache, who lay between the Spanish lines of frontier posts, they could never be hemmed in: at no time

did Spanish or Mexican military strength feel equal to the task of surrounding them and pressing upon them from all sides at once.¹³

From the same work of Thomas upon the vicissitudes of Spanish rule in 18th century New Mexico we catch another interesting glimpse of the Navaho in 1785. The reference is to an expedition of military-diplomatic character by Spanish frontier officials to break up an alliance between Navaho and Gila (western) Apache:

"The interpreter on his part informed the governor that the Navaho nation has 700 families more or less with 4 or 5 persons to each one in its five divisions of San Matheo, Zebolleta or Cañon, Chusca, Hozo, Chelli with its thousand men of arms; that their possessions consist of 500 tame horses; 600 mares with their corresponding stallions and young; about 700 black ewes, 40 cows also with their bulls and calves, all looked after with the greatest care and diligence for their increase. . . ." (Report by Pedro Garrido y Durán, Chihuahua, Dec. 21, 1786, in Thomas, p. 350.)

This brief account is packed with information, as a short analysis will reveal. Seven hundred families of four or five persons in each make a tribal total of some three thousand souls—a goodly number, but perhaps not quite enough to justify the "thousand men of arms."

The tribe is well equipped with livestock, it will be noted, but horses are still more numerous than sheep at this early period, while cattle attain an insignificant total; but the Navaho never were cattlemen—horses and sheep were ever their favorites. Cattle consume the pasturage needed for horses, but sheep can graze fat where those animals would starve.

The "five divisions" mentioned reveal a geographic extension much greater than that suggested by the 17th century references previously quoted: the tribe has progressed

13. A good contemporary discussion of the Indian menace to 18th century New Mexico is found in "Governor Mendinueta's Proposals for the Defense of New Mexico" (translated by Prof. Thomas) in *NEW MEXICO HISTORICAL REVIEW*, VI: 21-39.

rapidly in its westward expansion, for Chusca (Chusca Mountains, evidently) and Chelli (Cañon du Chelly), are almost in Hopi territory. Zebolleta (near Laguna pueblo) and San Matheo (Mt. Taylor) indicate its southern extent. Taking the San Juan river as the approximate northern limit and the Jemez region as the eastern, we have the tribal territory quite accurately defined as of the year 1785, and it shows little change today.

The next historical reference to Navaho weaving is quoted by Lansing B. Bloom from Twitchell's *Spanish Archives of New Mexico*, I, document number 1176, as follows, the quotation being an excerpt from a letter from Governor Chacón to the military commander in Chihuahua, written in 1795: (in Bloom, 1927, p. 233).

"The Navajoes, whom you suspect may have aided the Apaches in their incursions, have since the death of their general Antonio been irreconcilable enemies, to such a degree that with us they have observed an invariable and sincere peace. These Gentiles are not in a state of coveting herds (of sheep), as their own are innumerable. They have increased their horse herds considerably; they sow much and on good fields; they work their wool with more delicacy and taste than the Spaniards. Men as well as women go decently clothed; and their Captains are rarely seen without silver jewelry; they are more adept in speaking Castilian than any other Gentile nation; so that they really seem "town" Indians much more than those who have been reduced . . ."

Advancing now to the year 1799, Navaho weaving is set forth as not merely a tribal craft, but an industry which is becoming an economic factor in the province. Don José Cortez, "an officer of the Spanish royal engineers, when stationed in that region," wrote then that "the Navajos have manufactures of serge, blankets, and other coarse cloths, which more than suffice for the consumption of their own people; and they go to the province of New Mexico with the surplus, and there exchange their goods for such others as they have not, or for the implements they need."¹⁴

14. From "Reports of Explorations and Surveys, etc." Vol. III, p. 120. Mr. Frederick H. Douglas brought this reference to my notice.

Soon thereafter another reference appears, for which I am indebted to Mr. F. W. Hodge. It is found in Pedro Bautista Pino's *Exposición del Nuevo México*, printed in 1812. Pino, who went to Spain in 1811 as a delegate from New Mexico to the Spanish parliament, writes (p. 41) of the Navaho that "their woolen fabrics are the most valuable (*apreciables*) in our province, and Sonora and Chihuahua (as well)."

Of these four earliest known references to Navaho weaving, each is more definite and emphatic than its predecessor. Croix in 1780 merely mentions the Navaho as weavers. Chacón in 1795 concedes them supremacy over the Spaniards in "delicacy and taste" in weaving. Cortez in 1799 makes it clear that the production of blankets more than suffices for tribal needs. Pino in 1812 categorically places Navaho weaving at the head of the industry in three large provinces; significantly ahead even of the Pueblo craft, which mothered that of the Navaho.

On abundant evidence, then, the Navaho had gained a recognized supremacy in native Southwestern weaving in wool as early as the opening of the 19th century; and down to the present day that supremacy has never been relinquished. The Hopi craftsmen may have shown more conscience and conservatism at certain times, but the Navaho women have proved the more versatile, imaginative, and progressive, and the Navaho blanket has always been the favored child of that odd marriage of the native American loom with the fleece of European sheep.

* * *

Thus do tradition, science, and history combine to sketch the nebulous outline of the early Navaho. Vague and meager the details, yet we have a large and significantly harmonious body of evidence bearing upon the romantic career of that handful of Athapascan people who seemingly filtered through the mountain valleys of the southern Rockies sometime between 1000 and 1500 A. D., to become in an astonishingly short time the scourge of a far-flung

line of stout Pueblo and Spanish communities, lords of a territory comparable to New England, and the largest tribe of Indians in North America. Warlike, this astonishing people defied the armed forces of the United States within the memory of living men; peaceful, it sent the fame of its distinctive blanket to the ends of the earth. Behind these meager factual details lies an epic human drama. May it—some day—be fittingly sung!

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THE ENGLISH LANGUAGE IN THE SOUTHWEST

By THOMAS MATTHEWS PEARCE

RICH in the histories of cities and men, the Southwest is also rich in the history of words. Jutting mesa and sheltered cañon have heard languages formed and spent in the long life of man in this region. Only part of the story can be rehearsed here, where ancient monuments with their pictographs, and yellowed parchment holding antique *relaciones*, must wait for other interpreters. Here chiefly the word-stock of a late comer in this ancient region is to be considered. Yet many of these immigrant words of newest Southwestern speech, English words, have been here long enough to seed, produce new life, and fade back into the land which brought them out. In the American English stock remaining, words of the first comers have now found a place, and a great many words of the next and later speech stock as well. This paper is the story of English speech in its adaptation to a new country, new ways, and new neighbors in the Southwest. It attempts to outline as briefly as possible the new uses which American English found for itself in the Southwest, the natural adjustments which it made early to the Spanish it found here, and the more recent cordiality it has shown to words of Indian origin, useful in acquaintance with past and present Indian life.

Sinclair Lewis's *Babbitt* was issued in England a few years ago with a glossary of American terms attached to it, so that English readers could translate the unintelligible Americanisms. About twelve months ago in this country, two books were issued, one from Boston and the other from Dallas, and with each there was included a glossary of terms to enable *American readers* to interpret the unfamiliar Americanisms. These books were not travelogues of Thibet or of the Amazon, requiring footnotes to strange beasts and birds. Both were written about the southwestern

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United States. One was Mary Austin's *Starry Adventure* and the other, Frank Dobie's *Coronado's Children*. Mrs. Austin's glosses at the bottoms of pages include 62 translated words and phrases, which, I venture to say, are about one-half of the marginal notes a stranger to the Southwest really requires in reading her book. For instance, she does not footnote "arroyo" and "loma," though she explains "baile" and "barranca." Only "baile" is given italics, the literary garb of a stranger in English. To the average American, "loma" and "arroyo" would need just as much explanation as "baile" and "barranca," and so far as italics are concerned, all four words would wear them practically anywhere but in the Southwest. They would be visitors making their bow in the strange company of American-English words. Frank Dobie's book has a glossary of Southwestern localisms which contains 228 terms. The distinctive character of American English as a branch in the main stream of English speech, a branch being fed by numerous freshets until it may become a flood larger than the parent source, has become recognized both in England and America. The part of the Southwest as one of the feeder streams warrants more attention than it has received.

In the discussion which followed the publication in 1919 of H. L. Mencken's *The American Language*, William Archer, the distinguished English playwright, wrote:

New words are begotten by new conditions of life; and as American life is far more fertile of new conditions than ours, the tendency toward neologism cannot but be stronger in America than in England. America has enormously enriched the language, not only with new words, but (since the American mind is, on the whole, quicker and wittier than the English) with apt and luminous colloquial metaphors.¹

Nowhere were the "apt and luminous colloquial metaphors" more freely forged and the "tendency toward

1. Mencken, *The American Language*, p. 17. New York, 1930.

neologism" more rapidly expanded in English than in the Southwest, where trapper, trader, soldier of fortune, cowboy, enjoyed a life singularly spacious and yet fraught with imminent peril of one sort or another. The trailsman once "on the prairie" experienced that expansive sense of freedom which still comes to one leaving the hedged-in paths of the East, but no prairie was so open that it failed to conceal the Comanche and Arapahoe, sometimes bent on cutting out a few dozen mules or a hundred cattle, and always eager "to count coup" with a scalp or two. Trader jargon, trapper slang, cowboy lingo, have many terms in common, and many terms of a distinct professional cant. To the free and easy Anglicisms of this group, were added some French terms from voyageurs on the trail, a good many Spanish terms in the Santa Fé trade and on the rancho, a large body of Spanish words as life became more settled for the emigrant English, and recently a considerable body of Indian words, experienced through increased interest and attention to the architecture, ceremony, folk-ways, and legends of this indigenous cultural unit. Modern life in the Southwest is still fertile for word coinage through increased bilingualism among Spanish and English, through the slow culture-fusion of three racial stocks, Indian, Spanish and English, through unique industries like those of archæology, dude-ranching, and health-seeking, chiefly "lungers chasing the cure" for tuberculosis. The study of these language materials was begun in collecting quotations for the Historical Dictionary of American English, a project begun in 1926 at the University of Chicago, under the direction of Sir William Craigie, one of the editors of the New English Dictionary. The study has become almost a separate project of its own limited sort into the wealth of Southwestern language lore.

The words presented here have been taken from the literature of the region, both published and unpublished. Personal journals of traders of the early days, the earliest newspapers, notebooks of military reconnaissance, early

and late magazine articles and printed books, have been the scouring ground for a number of students assisting in the search for Southwestern terms. The resources of the Historical Society library of Santa Fé, of the library of the University of New Mexico, of the libraries of private individuals have helped to provide evidence. The subject must be given briefly, and therefore only a small part of the materials collected can be employed.

One of the earliest of American lexicographers predicted the distinctive character which the English language in America was destined to assume. Noah Webster in 1789 wrote a little volume called *Dissertations on the English Language* and dedicated it to Benjamin Franklin. He said:

Numerous local causes, such as a new country, new associations of people, new combinations of ideas in arts and sciences, and some intercourse with tribes wholly unknown in Europe, will introduce new words into the American tongue. These causes will produce, in the course of time, a language in North America as different from the future language of England as the modern Dutch, Danish and Swedish are from the German, or from one another.²

In recent years two well known students of the American language have mentioned the Southwest as a distinctive language area. To one of them I have already referred: H. L. Mencken. His *American Language* first published in 1919, is considered the standard work on the subject of American English and its new linguistic contacts. The other philologist is Dr. George Philip Krapp, of Columbia University, whose two volume work, *The American Language*, was published this year by the Modern Language Association of America. In so far as the treatment of the Southwest is concerned, the two books are much alike. In fact, Dr. Krapp seems to have followed Mencken's lead in the space and treatment he gives the topic of Southwestern vocabulary.

2. Mencken, *The American Language*, p. 1.

To the entire relationship between Indian, Spanish, and English speech, Mr. Mencken gives just one and one-half pages in his volume on American speech. He summarizes in two rather long paragraphs the vocabulary borrowing by English from the French in Louisiana and along the Canadian border, and from the Spanish in Texas and further west. He writes:

From the Spanish, once the Mississippi was crossed, and particularly after the Mexican war, there came a swarm of novelties, many of which have remained firmly imbedded in the language.

The novelties which Mencken lists are: *lariat, lasso, ranch, loco* (weed), *mustang, sombrero, canyón, desperado, poncho, chaparrál, corrál, bronco, plaza, peón, cayuse, burro, mesa, tornado, presidio, sierra, and adobe*. He adds ten or fifteen more terms, such as *bonanza* and *eldorado*, popularized by the gold rush, *coyote, tamale* and *frijol* from Mexican dialects of Spanish, and various derivatives such as *hot-tamale, ranch-man, ranch-house*. This exhausts the space given to the Southwest's regional contribution, except that in the chapter on "The Period of Growth" a number of other frontier westernisms, some range and cowboy terms, also appear. The twenty-one words in Mencken's first list may be classified into such groups as:

Plant and animal life—Loco, chaparrál, burro, mustang, bronco, cayuse.

Dress—Sombrero, poncho.

Physical geography—Canyón, mesa, tornado, sierra.

Architecture—Plaza, adobe.

Society and politics—Peón, presidio.

Such a classification sufficiently discloses the inadequacy of the list. Without demanding thorough research into the Southwestern vocabulary, it is not too much to expect a little fuller suggestion of the political contacts of three great peoples (with their *alcaldes, adelantados, caciques, gobernadores*, their *ricos* and *políticos*) than merely *peón* and *presidio*. In the privately owned *tendejones* of

Santa Fé and the government *estancos*, there were more articles for sale than *sombreros* and *ponchos*. Even today, the list of distinctive articles of wearing apparel and of domestic use is to be considerably amplified above Mencken's enumeration. Just as valid as *tamale* and *frijol* in Mencken's list (or, I might add, in the G. and C. Merriam's *Webster*) are *enchilada* (Mexican-Spanish word for a combination of tortillas, onions and cheese with chili sauce), *atole* (a thick gruel made from mixing the roasted Indian blue corn-meal with either milk or water, and served hot), *tiswin* (a drink, mildly intoxicating, produced from cactus bud by the Apaches), and *posole* (a dish comprised of meat, lye hominy, garlic, and the pods of red chili pepper).

The list of physiographical terms is not comprehensive and architecture is represented with entire inadequacy, as I shall show later on. The total terms listed number thirty-three, a list and a figure which do not begin to indicate the wealth of material involved.

Before going on with Mencken's treatment of the Southwest, let me recommend to the next *Webster's Collegiate* and *Webster's International* the word *jornada* (as generally used for the dusty, waterless stretch of a day or more march, quite as significant as *entrada* or military entry which *Webster* records); *morada* (Spanish, the meeting house of the famous Penitente brotherhood); *Koshare* (the Keres Indian word for ancestral spirits who are represented in dances among the Keres or Tewa folk and who, though presumably invisible, entertain and satirize); *Katchina* (an Indian term for beings that preceded man on the earth, impersonated in Hopi and other Pueblo dances and represented in doll fetiches). The fact that some of these words are less common than others does not mitigate against their claims to recognition in a comprehensive index of terms descriptive of the contacts which the English language has made in America. From the ethnological standpoint, the two Indian words last named are of ancient life in Southwestern America, words that have been shouted

from the flat, vigabraded roofs of Acoma or Walpi for centuries. They are at least as pertinent to our interest as the term *Shamash* (shä'mäsh) a Babylonian sun-god concerned with driving away winter and storm and other forms of unrighteousness in Sippar and Larsa, information treasured by a late edition of *Webster*.

It is characteristic of the English language to be readily receptive of new words. In spite of certain conservative influences in the language, such as academic and religious groups, English reaches out for loan-words from neighbor tongues much more naturally and more quickly than do a number of other language stocks. In frontier America, the formal elements of language were largely neglected. Something of that viewpoint still persists, to the despair of teachers of rhetoric and to the secret joy of those who like to see language ever free of the straight jacket of book grammar and standardization.

When I speak of Southwestern forms, I do not mean any term ever employed in speech in the Southwest. I may have given the impression that all is grist that comes to the mill,—that is, that I should seize upon any form naming or describing any object or activity in this area and rush it into a glossary of the region. Such is not my intention. I mean to say that the terms I submit belong in English, either because they represent new units for which English supplies no form or they present parallel units to English forms which in the light of environment are superior to the English. As illustration of a new unit, I submit *cacique*, the word for the priest governor functioning as a social and political force in the pueblos today and to parallel which in our experience we should have to resurrect the prophet priests of Old Testament days, or the social structure which they occasionally dominated. As a specimen of a parallel yet distinctive form, I submit *acequia*, analogous to English "irrigation ditch," but infinitely to be preferred from the standpoint of succinctness, beauty, and appropriateness.

How little first hand contact Mr. Mencken had with the Southwest may be observed from his remarks on the Indian loan-words in English. In Section 4 of the third chapter of his book, he writes:

The Indians of the new West, it would seem, had little to add to the contributions already made to the American vocabulary by the Algonquins of the Northwest. The American people, by the beginning of the second quarter of the nineteenth century, knew almost all they were destined to know of the aborigines, and they had names for all the new objects thus brought to their notice and for most of the red man's peculiar ceremonies. A few translated Indian terms, e. g. *squaw-man*, *Great White Father*, *Father of Waters*, and *Happy-hunting-ground*, represent the meagre fresh stock that the western pioneers got from him. Of more importance was the suggestive and indirect effect of his polysynthetic dialects, and particularly of his vivid proper names, e. g. *Rain-in-the-Face*, *Young-Man-Afraid-of-his-Wife*, and *Voice Like Thunder*. These names and other word phrases like them, made an instant appeal to American humor, and were extensively imitated in popular slang. One of the surviving coinages of that era is *Old-Stick-in-the-Mud*, which Farmer and Henly note as having reached England by 1823.

This paragraph entirely ignores the Southwest, where the greatest probable area of loan-words exists, where the Indian groups, notably the Pueblo group, have been in contact with Spaniard and Englishman for generations. Surely in 1919 Mencken could have listed such loan-words as *kiva*, the central architectural feature of any of the numerous pueblos and the center of their political and religious life; and *katchina*, which I have already mentioned as ignored by the dictionary makers in addition to Mr. Mencken, but nevertheless an indispensable term to identify certain of the most significant of the Indian dances, chiefly the Hopi ceremony called the Niman Katchina or the going out of the gods, who leave the pueblo after their summer stay and return to their homes in the San Francisco moun-

tains. The Katchina dolls, representing these spirits, are found in great numbers in Indian houses, on the altars, even nursed by children. Small figures, carved out of cottonwood and shaped roughly like human beings, the wooden effigies are painted, dressed, and feathered like the dancers. They have even become popular in the curio shops, where they are offered to tourist trade.

One looks in vain in Mencken or Webster for the English compounds "sand-painter" or "sand painting," and yet the term is infinitely more significant than "sandman" and quite as real as "sand-blast" which, of course, bear record. It is conceivable that with cultural evolution, the Katchina ceremony and the sand-painting may disappear, but so has the sandglass or hour-glass which still lingers in dictionaries if nowhere else. On the other hand, these terms today belong to things real to the contemporary Southwest. Webster lists "sambuke" a kind of ancient stringed instrument. It omits *tombé*, an instrument which sounds every month in the year in the plazas of Oraibi and Zuñi.

The most prevalent motive in the native silver-work and on the pottery is the conventionalized eagle which we name the Thunderbird. It is frequently almost an ideograph in its representation of clouds, sky, rain, altar, mesa and bird. So generally recognized is the image that government architects have recently installed it in terra cotta as a decorative motif on the new federal building in Albuquerque. Neither this nor perhaps an even older symbol, the *awanyu* or water serpent, are anywhere recorded, though one may find the signs and fetiches of natives from Samoliland to Pava,—witness *Simurgh*, a gigantic bird of Persian mythology, the "all-knowing bird of ages," who dwells in Kaf and has seen the world thrice destroyed. *Shálako*, *Matachina*, the *tablita* headdress, perhaps even the *hampone*, or pavilion of evergreen boughs forming the shrine for the pueblo saint during the dances, merit listing in a representative American dictionary. *Amole*, Mexican-

Spanish for soap-root, the fibrous root of the palmillo plant, is listed in both Spanish and English dictionaries, but in neither is there a record of *peyote*, cactus button chewed by the Indians for its exhilarating effect, or of *tiswin*, mentioned before as a tribal intoxicant, likewise of cactus bud, manufactured by the Apache Indians. Yet Webster finds room for *kirsch*, an alcoholic drink made in southern Germany and Switzerland from black cherries.

Of course, archæology has contributed the greatest percentage of our Southwestern Indian terms in English, archæology that recreates not only the past by finding names for its ceremonial symbols and objects and for its domestic appliances, but also traces the continuity between that past life and the way of life of the present, finding names for the anthropology of men living as well as of men dead.

The Indian term for the underworld from which man emerged, *shipapu* or *sipapu*, also applied to the firepit in the underground kivas, will not disappear so long as our study of ancient life in the Southwest endures. The firepit in the great community centers seems to have been a sort of ceremonial hearth for the flames which rose before the altar. The editors of the *Webster's New International Dictionary* write:

Our editorial policy, so far as the inclusion of terms is concerned, is, as you imply, primarily one of including words of all origins which have become part of the English vocabulary. Unless, therefore, a word of non-English origin has appeared in English writings frequently enough, or under such circumstances, as to show that it has become a loan word, it is not possible to regard it as eligible for entry in an English dictionary. This principle, we feel, would eliminate ceremonial Indian terms of the kind mentioned in your first paragraph.

But the creation myths of the first Americans should be quite as significant for us as the eighth reincarnation of

Vishnu,³ or an instrument for whipping among the Turks,⁴ or a Yiddish term for a strolling beggar.⁵

It is interesting that the oldest life in the Southwest was the last to be discovered. The Spanish took very little interest in excavations of an archæological sort. Not only is the ancient life of most recent acquaintance, but since its re-creation has been brought about largely by Anglo-Americans, the terms (except when contemporary Indian) are of English derivation. Such English compounds as *arrow-straightener* or *seed-bowl* are important nevertheless. Just as important as *baho*, the Indian term to which the English compound *prayer-plume* is equivalent. *Killed* is an English participle which has earned a new adjectival use in Southwestern archæology in the phrase "a killed bowl," of a bowl ceremonially broken to be buried with the dead. In Zuñi ceremonials a perfect ear of corn decorated with feathers laid spiralwise is used; it is called the *mili*. *Rain-altar* and *rain-priest* interpret to us facts of Indian ritual. *Summer People*, *Winter People*, two communal groups who share the social and ceremonial life of each pueblo, give evidence of outlasting the terms Democrat and Republican, for they doubtless represent party lines considerably older and much more definite of content.

The archæologists have named certain forked sticks found among the rocks as *spirit sticks* left to guard buried treasures, for in nearly every case the cliff dwellings or caves which produced them held in cache objects of value. The *tegua* or hand-made sandal, usually of deerhide, is an Indian term of importance. *Mano* and *metate*, Mexican Spanish words are current in the Southwest wherever the hand pestle and mortar decorate homes or museums or perform actual service. One wonders how *metate* got into Webster without the other half of the grinder, the *mano*. It seems to me that *kisi*, the brush shelter where the snakes

3. Krishna, *Webster's New International*.

4. Kurbash, *op. cit.*

5. Schnorrer, *ibid.*

are kept for the Hopi snake dance, is a word quite as significant as *kisra*, which the Webster International lists for a kind of leavened bread among some African tribes.

Words are just names, whether names applied commonly to all objects of a class or applied properly to only one of a class. Mesa is a name, though a common name; La Mesa Encantada is also a name, though we call it a proper name or noun. Once suited to an object the name is as much a part of it, as much its sign and significance, as are personal names symbols of the spiritual entities we call ourselves.

This Southwest, with its peculiar brilliance of day and quick shadow of nightfall, with its hard-baked earth and sudden water gashes, with its thirsty sands at the very edge of soggy river bottoms, can not be described in the terms of Shakespeare's Stratford. *Arroyo* is not a gully in which a little rivulet from melting snow runs in the spring and where leaves from oaks and maples collect in the fall. It is a bare rent in the side of Mother Earth where only yellow jaws yawn until a cloudburst in the mountains miles away sends the lashing torrent hurtling through it to smash and engulf everything caught in its maw. An *acequia* is not a trench or a drain, but the very artery which pumps life into the inert land about it, not the concrete flume of California, nor even the sparkling irrigating ditch of Montana, but a torpid channel banked with earth and sod, seeping off into a field of shallow ditches between rows of frijoles or around hillocks supporting grape vines. The *Acequia Madre* of every village has almost a personality of its own. It becomes the most intimate friend of every inhabitant in the place. With dancing and ceremony, the acequias are opened in the spring in the pueblos. With scrupulous care the acequias are scraped and strengthened in villages and towns.

Malpais isn't merely bad land or even the white alkaline bad lands of South Dakota and Montana, but it is the lava ridges or serrated volcanic ash, red and sulphurous, upon which even the yucca dares not encroach. The *Jornada*, or

the water-scrape as it was also called, alone expresses adequately one of those sandy stretches, blisteringly white in the fierce sun of mid-day where buffalo grass and greasewood offered no shelter nor any nourishment to the traveler.

Mesa is so much employed in Southwest English that we are losing the true sense of a high table land or plateau, and instead carelessly identifying by the term any stretch of sandy territory not a *vega* or *bosque*. Technically, much that we call *mesa* is *llano*, what the Northwesterner would call the flats or the *flat*, the middlewesterner, the *plains*. So *sierra* (saw-toothed range) is useful in Southwestern speech; *cumbres* (mountain ridge, what the Northwesterner might call razor-backed range); *ciénaga* (marshy place), *potreros* (natural pasture ground); *hondo* (a low broad arroyo forming a little valley); *bajada* (a sharp descent). *Bosque* is so serviceable that it appears almost daily in the papers in connection with the sale of ranch land.

If in the field of architecture and interior design we should show any of the understanding of the older and better styles of the Southwest, there are many new, though very old words, which will be necessary to us. It is impossible to build a house of the pueblo style and omit the *vigas*, those heavy supporting beams of the roof, crossing from wall to wall, furnishing a definite finishing motif for the ceiling interior and usually protruding for some inches beyond the outer wall as a distinctive feature of the exterior design. Most Southwesterners prize the *patio* not only because it is a picturesque feature of any house plan, but also because it offers genuine shelter from sand and wind, for plants and persons. The enclosure may have originally resulted from defensive needs of even a more serious sort. If the exterior of the house has a covered portico, the long roofed arcade supported by posts running almost to the house roof, the term *portal* is more exact than *porch* for the latter ordinarily connotes somewhat of a balcony arrangement on the front of a house, from which lead down a num-

ber of steps. When the portico remains uncovered, the beams serving merely as supports for grapes, the truly descriptive term is *ramada*, a shaded arbor adjoining a house. When the house surrounds the patio and a carriageway remains for driving into the center space, the entrance-way is customarily referred to as the *zaguán*. *Canales* are wooden, sometimes metal-lined, drains or water spouts, projecting from the roof and between the vigas of a pueblo house. The methods of workmanship provide terms: the *adobero* or adobe-maker, a wooden mold which shapes the clay; *terrones*, the blocks of sod cut the size of adobes from turf; *puddling* denotes the earliest manner of construction with adobe mud by which the clay was piled up on the wall, shaped by hand labor and left to harden before the next section of mud was added. Within the native house one usually sees a *banco*, an adobe seat or bench built against the wall. The walls may hold *santos retablos*, pictures of the saints on flat boards of varying size, *marquos* or *marquitos* cut and punched and hammered tin-frames holding familiar scenes from the Bible and occasionally candle sconces as well; *santos bultos*, saints carved in the round from cottonwood (the same material serving for the *Katchina* figures) and thickly painted upon a sort of gypsum coating and plaster filler referred to as *yeso*, a chalky clay. Few houses have not also a *nicho* (a recess in the wall, or a frame of glass and tin) in which the figure of the *santo niño*, the boy Jesus, or that of one of the saints or the Virgin may reside. The cupboard called *trostera* has aroused enthusiasm for Spanish Colonial art. There are other terms of domestic art with which I shall not tire you. The three-cornered fireplace whose origin is debated between proponents of the Indian and of the Spanish has a Spanish name *fogón*. *Jacál*, *wickiup*, *hogan*, represent three types of building on the plains, *hogan* being best known because so general among the substantial group, the Navahos. *Jacál* is a less permanent shelter made of upright timbers filled in with wickerwork which is plastered with adobe. *Wickiup*, least

permanent of all, denotes a loosely constructed hut of interlaced boughs. The three last named terms appear in all good American dictionaries.

Two large groups of terms, those of plant and animal life, will have to be slighted here. There are a multitude of distinctive forms in Southwestern botany and zöology. The varieties of common grasses alone having unique colloquial forms in addition to their scientific nomenclature number into the hundreds, e. g., *galleta*, *grama*, *needle*, *toboso*, *mesquite*, *pinyon*, *sacatón*, *aparejo*, etc. In general, the vocabulary of the natural sciences treated by research scientists of the government and of other agencies are more fully represented in the dictionaries than terms from the arts and crafts previously discussed, though the words may be far less current in common use and knowledge. Familiar plant forms like *mesquite*, *chamiso*, *chaparral*, *greasewood*, *sahuaro*, *ocotilla*, *palo verde* are registered in Webster, and many less known forms. The *chaparral cock*, or road runner, *Gila monster*, *chuckwalla* are listed, but *lobo* (for timber wolf), *javelina* (for wild boar), *piñonero* (jay bird), *tecolote* or *tecolotito* (the little owl popular in New Mexico folk song), the *chupadero* (cattle tick) are not in the American dictionaries, at least not under their colloquial Southwestern names.

From time to time we have read announcements that the *Historical Dictionary of American English* will "not only tell the meanings but the origins of all expressions indigenous to America or having a bearing on American life." Quoting from a news item in one of the Albuquerque papers:

"In the new dictionary is found the language of the street, the night club and the speakeasy, of inventions, institutions and developments undreamed of when Webster set himself to his task. A few of these specimens are: bootleg, speakeasy, blah, fizzle, whoopee, ace, black bottom, deb, awful, debunk, blockhead, blighter, dizzy, finicky, Black Maria."

Colorful though these terms are, they can be more than matched in the lingo of the plains, terms much more worthy of record because with all their rough, slangy quality they indicate the growing positive forces in the development of America and not the excrescences of communities overcultivated and over-ripe: *broomies* or *broomtails* for range mares with tails bushy like brooms from burs and weeds clinging to the hair; *fuzzies*, another term of similar connotation for range horses; *dogies* for little calves or the whole herd in an affectionate sense; *boomer* for a homesteader or land-staker; *hoe-man*, *sod-buster* for the farmer, and *nester* for the cowboy who would desert the range for domestic existence; *rustler* for the sneaking cattle thief; *chuck* for food and *chuck-wagon* for the food carriage; *blab* for the process of weaning a calf by clipping a thin board on its nose so that it could graze but not suck; *squeezer* for the box-like affair to hold a calf while branding it; *bronco-peeler* for a rider of untamed horses, *bull whacker* for the oxen driver, and *brush popper* for a hand or cowboy used to riding in the chaparral brush.

Rich in metaphor, epigrammatically terse, always a short cut and efficient, cowboy speech was an admirable medium for the life it served. The man who could "crease" a wild horse or an erring gentled steed could actually shoot through the neck of a horse in such a way as to crease or touch, but not injure the cartilage above the bones. If he used his rope "to snake up wood" for the cook, he dragged in a log or two from the saddle horn. To "Pecos" a man one shot him and rolled his body into a river—the one river that drained an empire. To "dobe wall" the lawless was to stand them up against an adobe wall and shoot them. "Sleeping" was earmarking a calf so that it would appear to have been branded, a trick of cattle rustlers to enable them to cut out from the herd unbranded mavericks.

Grim humor and quick imagination appear in such metaphors as "crow-bait" for a poor horse, "kidney pad" for saddle, and "blue whistler" for the wind of a bullet. "Red

eye" aptly described the effects of the liquor of the day, especially such whiskey as "Taos lightnin'" or "Pass brandy." "Tarantula juice" is another descriptive epithet for the demon firewater. A gun was called variously "lead pusher," "flame thrower," "blue lightning," and "shooting iron." A kind of chewing tobacco containing a good deal of juice was called "spit or drown tobacco," and a "Spanish supper" was the act of tightening one's belt another notch because of lack of food.

Much of the lingo of the Santa Fé trail, like the trail itself, is chiefly of antiquarian interest. With the death of the trail and of the Santa Fé trade after 1880 (in 1879 the first train ran into Las Vegas and in 1880 to Santa Fé from Lamy), the colorful idiom employed on the journey and during the barter in Santa Fé disappeared. Some terms linger on. The subject as a whole makes a fascinating chapter in the language story of the Southwest. The idiom of the trail is in general English, as the main group of traders from the east were English. By Santa Fé trail I mean, of course, that trail which starting at Franklin, Independence, or Westport, Missouri, proceeded by way of Council Grove to Dodge City and then branched north by the mountain trail through Colorado and entered New Mexico by way of Raton Pass, or turned south out of Dodge City over the Cimarron cut-off and the old Jornada across the Cimarron desert. The pioneering on the Santa Fé trail may be traced back to Coronado and his visit to the phantom Gran Quivira about where Wichita, Kansas, is today, and to later pioneers, the first French traders from the Illinois settlements or those farther south. St. Louis sent off a number of the earliest pioneer voyages over the long trek to the Río Grande villages. Some few terms may persist in the idiom of the journey from French: *Coulee*, deep stream bed with sloping sides, and to *count coup on* for to record any deed of valor, from the number of buffalo brought down to the number of Indians scalped. Even *cache*, with the exception of one sporadic appearance in Drake's *Voyages*

(1595) (cf. *New English Dictionary*) seems to have been largely an Americanism. The term is reported by Fremont in 1842 (Report Exp. Rocky Mountains (1845) N. E. D.): "As this was to be a point in our homeward journey, I made a cache (a term used in all this country for what is hidden in the ground) of a barrel of pork." *Courier* and *voyageur* were much used terms in reference to the early trader, but whether they can be called current in English and naturalized at so early a date is not certain.

It is difficult, sometimes, to draw regional lines between colloquial terms in trader speech. Though all of it is distinctive and colorful, many of the words are not Southwestern, but the property of the Southern plantation or of the Appalachian mountains, vocabularies with which the men left home, and not coinages or adaptations to the trail or to the Southwest. When the caravan "caught up," meaning got the horses harnessed, hitched to the wagons, blankets and trappings packed and ready for departure, it is doubtful if the drivers were using any different word for the activity than they would have used in Missouri, though the procedure was on a much larger and better organized scale. When they "mired down" or "lay by" or put on "wheelers" (extra mules or horses harnessed to help brake the wagons) the terms were those of Connecticut or Kentucky or farther south. But when the traders write about going out "to run meat" for "to kill buffalo" and speak of becoming "grease hungry" for "desiring buffalo steak" they are finding new phrasings for standard English. "Making steak" meant "drying it," "to knock up" meant "to pull up stakes," when men were "on the prairie" they were "free." The trail was "the trace" and mirages were "false ponds." "Buffalo tug" was a strip of buffalo hide.

Like the dialect of the cowboy, trader speech was distinguished by its economy and by its metaphorical concreteness. A blanket term like "nooned" or "nooning it" for "they made a noon camp" included all the items that were concerned with such a stop, as unharnessing horses, build-

ing a fire, cooking lunch, and repacking to go on again. "Fall to" was more than a signal to begin eating. It included also an invitation to the stranger to join the party and eat with it. "Lodge poling" meant to administer a beating with a pole, as well as to construct lodges. "Gone wolfing" was a grisly phrase for people killed and left for the wolves to eat.

As is the case wherever speech is colloquial and free from academic restrictions, there is a noticeable tendency to extend the parts of speech into other uses than their standard ones, such as the change of a verbal adjective into a noun, e. g., "we camped upon a burn" for "upon a burned place," or of a verb into a noun, e. g., "a shake" for what the victim of chills and fever does.

The elementary, metaphorical quality of the language is shown in such terms as:

Make tracks *for* to hurry
 Meat bag *for* stomach
 Raise hair *for* scalp
 Scatter gun *for* shot gun
 Black water *for* coffee
 To rub out *for* to kill

The dry, twisted humor of the frontier appears in "tickle fleece" for "scalp," "doll rags" for the "goods to be sold," "buffalo chips" or "cow wood" for the sun-dried dung used on the jornada for fuel.

Many words and phrases are so colored by the environment and occupation of the traders that they are almost unintelligible unless the background is understood. "If your stick floats that way" which stands for "If that is your meaning and intention," is a phrase based on beaver trapping. A stick was attached to the beaver trap by a long thong and allowed to float on top of the water. Beavers sometimes dragged the traps for a distance, and these floating sticks enabled the trapper to follow the beaver. The same situation is behind the phrase "As good a mountain man as ever set a float stick." Another such phrase is *seal*

fat, which means a very fat animal. When animals begin to get fat in the spring and summer, they lose their heavy winter fur, leaving a very short, fine hair. Thus, their bodies look very smooth, resembling seal skins. Another phrase from beaver trapping was to *go beaver*, which meant to be mentally upset or bothered: "From that moment he was gone beaver; he felt queer . . ." "*By beaver*" was an ejaculation substituting for other more familiar objects by which to swear faith in a thing. *Beaver* was a synonym for money, e. g., "That's worth a lot of beaver."

Not all of the terms of the trail were English. Spanish here, as in other fields of Southwestern activity, made its contribution. The drivers were largely Mexican and the term *arrieros* is a common one in the literature of the trail. The Spanish word for caravan *cabalgada* or *caballada* was twisted into *cave-yard*, *cavayard*, *cavvyyard* and is frequently found. Perhaps the journey-men picked it up from the *arrieros*. Packsaddles were termed *aparejos* by driver and passenger alike, and the grass with which they were packed came to be called *aparejo grass*. From the muleteers may have come the general run of physiographical terms: "Come to the loma overlooking the town;" "There was meat in the llano." All the traders seem to have known how to dance the "fandango," for repeated references occur to these dances at Taos or Las Vegas and other stops. The favorite drink was *aguardiente* at the fondos at the end of the trail.

Arrived at Santa Fé, the manifests or *guias* which were bills of invoice and passage were always in demand, and before trading could begin at the privately owned *tendehones* or the government managed *estancos*, a variety of tariffs were imposed, called variously *arancel* (import duties), *introducción*, and *consumo* (introduction duties and consumption tax.) (Consumption duties were one-third the introduction tax.) Gregg says the duties were sometimes divided into three parts, one for the officers, a second for the merchants, and another for the government; the rates were

never two years the same. In the chaffering and hard feeling over exorbitant duties, the Anglos employed the term *diligencia* in an ironic sense, that of legal stealing. The jails into which they sometimes fell were always referred to in a mangled form of *calabozo*, either as *calabash* or *calaboose*. A number of the articles in constant use by the traders bear Spanish tags: *piloncillo* or *peloncillo*; *rebozos*; sometimes the rather poor tobacco called *punche*. *Jerkee* apparently a form of an American Spanish word (Peruvian dialect Spanish *charqui*, dried flesh) was always a part of the provisions for the trail. The measure of weight *arroba* (25 pounds, about 11½kg.) enters into the jargon of business, as does *fanega* (a grain measure of about 1.60 bushels).

Although English publications in the Southwest and about the Southwest will post-date printed English elsewhere in America by at least two centuries, nevertheless, in many cases, words of Southwestern color and meaning appear earliest in printed form here or in use in manuscripts preserved here. An article written by Dr. Craigie concerning the *Historical Dictionary of American English* lists⁶ a series of words beginning with the letter *a* and notes the earliest date for which a quotation has been found. The earliest use of *arroyo* recorded here is 1846. We found the word two years earlier in the *Memoirs* of J. J. Webb, a Santa Fé trader from Connecticut, who left a record of his trip in 1844, until this year preserved only in two typed copies of his manuscript, one of which is in the Historical Society library in Santa Fé.⁷ The earliest date for *alcalde* listed by Dr. Craigie was 1838. The word is used by Albert Pike in a rather rare book called *Prose Poems and Sketches*, published in 1834 and preserved in the Historical Society library in Santa Fé.

6. *American Speech*, April, 1930.

7. Now available in a volume published by the Arthur H. Clark Company, Glendale, California; *Adventures in the Santa Fé Trade 1844-47* by J. J. Webb, ed. by Ralph P. Bieber, 1931.

In the English Renaissance a battle occurred among the literary as to the extent to which the English should go in adopting foreign words. A new vocabulary was being forced on English because of the contacts with continental culture. The Greek and Latin poets, satirists, novelists, rhetoricians, submerged under medieval suspicion, their manuscripts newly discovered by the exodus of scholars from Constantinople before the Turks, required translation into modern tongues. English translators adapted numerous Greek and Latin words to English forms and frequently made new coinages. A great number of these words survive in modern English: edifice, ingenuity, puissant, magnanimity, industry. A number disappeared, such as Christopher Marlow's *refluence* for the overflow of a river and *retorqued*—applied to thoughts which turn and twist backward in the mind. *Sufflamine*, to extinguish flames, and *molliminously*, to struggle with mountainous effort, have gone the way of other pedantries. Over-Latinized English drew the scorn of the conservative and the linguistically patriotic. Shakespeare lampoons the ink-horn terms in the diction of the pedant Holofernes who in *Loves Labor Lost* indulges in the tremendous word: "honorificatitudinalibus." The two camps, radical and conservative, have been dubbed the Improvers and the Purists, the cosmopolites and the Saxonists, linguistic classifications which are exceedingly useful, for they are still convenient groupings for those who speak and write English to any considerable extent.

The Purist and the Improver attitudes reflect the temperaments of two large groups in society: the strengtheners of the tradition by search into the so-called pure stream of the past, and the reformers of the tradition, alive to the present and all of its influences and cultural contacts. We all belong in one group or the other. We are linguistic conservatives or liberals, just as we are political liberals or conservatives.

It is possible to group the authors writing about the Southwest under the linguistic captions Purist or Improver. There are those who write of the distinctive life of this region in the language of New England or of the Middle West. Then there are those who describe the life here in the terms which have been born with it. The two authors whose books with glossaries are referred to at the start of this article, are among those whose vocabulary belongs to the region. The writing of Mrs. Austin, accommodated to and shaped by her acquaintance with the land, its history, legend and ceremony, is most representative of the Southwestern style.

English has slowly acquired a new body of terms to make it pliant to this land. If language is the servant of thought, and thought the mirror or the very form itself of reality, then that medium is most truly Southwestern which carries most effectively the shape and color of the objects of the Southwest. I hope I have in a small way illustrated how English is acquiring this character.

INDIAN LABOR IN THE SPANISH COLONIES

(Continued)

By RUTH KERNS BARBER

CHAPTER III

THE SYSTEM IN PRACTICE

HAVING considered the *encomienda* system from the standpoints of its roots and its extent in the New World, we may turn now to a study of the questions: who had a right to grant *encomiendas*; to whom were they granted; how many Indians were included in an *encomienda*; and what use did the *encomenderos* make of the Indians.

According to the first decree of Ferdinand V (1509) the governor of Española had the right to grant Indians in *encomienda*; this was repeated by Philip II in 1580. In 1655 Philip IV decreed that the right belonged to governors and viceroys and those who might be named to serve *ad interim* for viceroys, but that *alcaldes ordinarios* might not grant *encomiendas*.¹ In some cases, as has been pointed out, individuals were given the title of *Repartidor*, or special power expressed in a *cedula*. At times the right was exercised without any authority. León says that many questions arose about the right to grant *encomiendas*, as to whether any official held the right simply by virtue of his office. Some claimed that the power was inherent in the office of governor, but not all governors had the right. Others thought that all captains-general had the power, but the viceroy of New Spain and the governors of Honduras and Vizcaya were captains-general and did not have this power; while those of Tucumán, Paraguay, and Popayán had the power to grant *encomiendas* although they were not captains-general.

At the time when León wrote there were no decrees or laws settling these questions. After studying the situation as it existed at that time he came to the conclusion that

1. *Recopilación*, Lib. VI, Tit. VIII, leyes viii-ix.

there were three rules followed. In the first place, all discoverers, conquerors, and *pacificadores* had the right to grant encomiendas either by tacit or expressed consent. In the second place, governors whose predecessors held the right might exercise it unless specifically prohibited. In the third place, governors of newly-created provinces might exercise the right if no other person held it in the same territory.² These rules seemed to be followed in general, but the king as the great over-lord might at any time grant the right to anyone by special decree.

Before the special decrees concerning the succession in the holding of encomiendas, they were granted as special rewards for services, and the grant usually lasted for the lifetime of the recipient. The king might grant otherwise, but there was no regularity. The first so-called law of succession was made by the Emperor Charles in 1534 and was repeated in 1535, 1536, and 1546. Many other decrees concerning the rights of succession followed. Some of those given in Lib. VI, Título eleven, of the *Recopilación* of the Indies are as follows:

Ley i.

If any encomendero dies and leaves in that land a legitimate son, born of a legitimate marriage, the viceroy or governor may entrust to him the Indians which his father had; . . . if the encomendero should not have a legitimate son, born of a legitimate marriage, the Indians shall be entrusted to the widow; if she should be married and her second husband have Indians, he shall be given one of the repartimientos, whichever he shall choose, and if he shall not have any, those which belonged to the widow shall be entrusted to him.

Ley ii.

. . . We declare that when the oldest son does not succeed to the Indians of his father for some of the reasons referred to [entering religion, having other Indians, marriage to a woman who holds Indians], . . . the succession shall pass to the second son, and the sec-

2. León, *op. cit.*, pp. 30-33.

ond son not succeeding, it shall pass to the third son, and thus in succession until there are no more sons, and in lack of sons to succeed the oldest daughter may succeed, . . . then pass to the second daughter. . .

Ley iv.

. . . the oldest daughters [who succeed to encomiendas] being of age, shall marry within a year from that time when the Indians are entrusted to them; if they are not of the legitimate age to contract marriage they shall be married when they have the proper age. . .

Ley v.

Although the oldest son may die during the life of the possessor of the encomiendas, if he shall leave a son, daughter, grandson, grand-daughter, or [other] legitimate descendant, in whom shall reside the other qualities and requisites to succeed in Indians, according to the ordinance, these descendants of the oldest son in their order shall be preferred to the second son of the deceased possessor.

Ley vi.

In order for the husband to succeed his wife, or the wife, her husband, they must have been living together married for six months.

Ley xii.

We order that the successor to an encomienda be obliged to appear in person, or by his representative, before the viceroy or governor of the province in whose district he resides, within six months following the day of vacating [the encomienda] to declare his right . . . in order that they may give him a new title to the encomienda for the life which pertains to him. . .

Ley xiii.

When some encomendero wishes to marry a son or daughter and to give the profits of the encomienda . . . for dowry . . . the governors may permit . . . that they enjoy the encomienda in the life of the parents . . . without giving the title to the encomienda to the son or daughter until the father dies.

Ley xiv. (1555, 1559, 1576, 1588, 1607.)

The just causes having been considered which con-

curred in order to reward and remunerate the services given in the provinces of New Spain by the first discoverers and settlers the favor was done them of giving them repartimientos for the first and second life; and because they have already been incorporated in our Royal Crown, and their sons and descendants remain poor, . . . it was commanded to extend to the third life, and afterwards the favor was done to extend to the fourth life; we command that thus it be done and accomplished in those which are given until the year 1607 . . . having finished the fourth life, they shall remain vacant and incorporated in the Royal Crown.

Ley xv. (Philip IV, 1637.)

That the rents in Indians given in New Spain from the year 1607 be for two lives more.³

At first the encomiendas were given to the discoverers and conquerors as reward for services rendered. As the colonies grew and the number of Indians decreased many problems arose in regard to the granting of the encomiendas. In 1568 Philip II issued a decree that those who had the right to grant encomiendas provide for the descendants of discoverers, pacificadores, and settlers, having special care to prefer those of greater merits and services and the descendants of the first discoverers and settlers.⁴ Philip III decreed in 1619 that in Chile preference should be given to the sons of those who were killed in the war of that province.⁵ A decree of Emperor Charles V, in 1530, stated that "disorder in the treatment of the Indians" had occurred because of the holding of encomiendas by viceroys, prelates, and other royal and religious officials. It was ordered that no viceroys, governors, other royal officials, prelates, clerics, houses of religion, hospitals, or treasuries might hold Indians. If any held them by any title whatsoever, they were to be taken away and placed in the Royal Crown. There must have been difficulty in enforcing this decree be-

3. *Recopilación*, Lib. VI, Tit. xi.

4. *Recopilación*, Libro VI, Tit. VIII, Ley v.

5. *Ibid.*, Lib. VI, Tit. VIII, Ley vi.

cause the marginal notes in *Recopilación* state that it was issued by Charles V in 1530, 1532, 1542, by Philip II in 1563, and by the kings of Bohemia in 1551.⁶ No encomiendas were to be given to wives or children of officials, except to sons already married, nor to foreigners or absentees.⁷ According to law no one was permitted to dispose of an encomienda by donation, sale, renunciation, transfer, exchange, or in any other prohibited way.⁸ Some of the reasons for this decree are stated in the introduction to it. Some encomenderos sold or transferred their encomiendas in order to return to Spain or on the pretext of entering religion. Sometimes the sale was made secretly; then the buyer, having been warned, went to the governor to secure a title to the encomienda. In other cases encomiendas which were held for the last life permitted, were renounced to a viceroy or governor with the understanding that they be granted to someone in the family of the possessor, thus extending the number of lives. All of these customs resulted in bad treatment of the Indians because the different holders made them work on their estates. The encomiendas were not to be divided,⁹ and no one person was permitted to hold two.¹⁰

The new settlers who came to the colonies expected to have encomiendas so that they might have the Indians to work for them. As the Indians decreased the encomiendas could not be granted to all, and many difficulties arose. Some of the problems which confronted the viceroys are revealed through a *carta* written by the Marques de Montesclaros, viceroy of Perú, April 7, 1612. Montesclaros raised the following questions:

1. When does the right of the settlers begin to be rewarded?

6. *Ibid.*, Lib. VI, Tit. VIII, Ley xii.

7. *Ibid.*, Lib. VI, Tit. VIII, Leyes xiii, xiv, xv.

8. *Recopilación*, Lib. VI, Tit. VIII, Ley xvi.

9. *Ibid.*, Lib. VI, Tit. VIII, Ley xxi.

10. *Ibid.*, Lib. VI, Tit. VIII, Ley xx.

2. Must one prefer the most ancient conquerors, those who have served best, or those of the highest rank?
3. In considering the merits of sons and successors must one discount the favors which they have already received of parents and grandparents?
4. In the case of bastards and descendants of bastards can they possess Indians for service of grandfathers?
5. In cases when husbands succeed to encomiendas of their wives, the encomiendas come to reside in persons without merits of conquest, because the daughters of the well-deserving usually marry those who come most recently from Spain. Is this right?
6. In the province of Quixos should encomiendas be granted for the third life?
7. What consideration must be given to those who claim right by cedulas in contrast with other conquerors who do not hold the cedulas?
8. Must one consider the anteriority of the dates of the cedulas? Since 1608 the claimants have increased in number from five hundred to one thousand.
9. Must those who present cedulas referring to services give other papers as proof?¹¹

It must not be understood that all of the settlers held encomiendas, for the encomenderos made up a privileged class corresponding to a feudal nobility. López de Velasco states that in 1574 there were two hundred settlements of Spaniards with thirty-two thousand families, while about four or five thousand held encomiendas.¹²

The allotments of Indians were not usually very large. At first royal officials were granted one hundred Indians each; noblemen, eighty; *escuderos* (squires), fifty; and laborers, thirty. Later royal officials were not permitted to hold encomiendas. Lists of encomenderos giving the number of Indians held by them show that most encomiendas consisted of from twenty to three hundred Indians. López

11. *Relaciones de los Virreyes y Audiencias que han gobernado el Perú*, II, pp. 377-396.

12. López de Velasco, *op. cit.*, p. 2.

de Velasco mentions some holdings of four hundred, five hundred, and six hundred Indians. He tells of an instance on Cozumel Island where there were fifteen hundred Indians under one man.¹³

Since the encomiendas could not be divided, a situation soon arose in which all of the available Indians had been allotted, and there were still some well-deserving ones to be rewarded. To meet this contingency a system of pensions was started. The holders of large encomiendas were allowed the benefit of a certain portion of them and the rest of the income was to be used to pay pensions to other conquerors or their families.¹⁴ No encomendero was permitted an income from his holding of over two thousand pesos; everything over that amount was to be applied on pensions.¹⁵ When the encomienda system was finally abolished, the descendants of some of the discoverers and conquerors were granted pensions by the government of Spain. According to Priestley the heirs of Cortés and Montezuma received government annuities in lieu of encomiendas as late as 1791; at the time of the signing of the treaty of peace at the close of the Spanish American War (1898), Spain wanted the United States to take over the paying of the annuity to a descendant of Christopher Columbus.¹⁶

The plan of the encomienda system was that the holders of the grants should have the benefit of the tributes from the Indians allotted to them. Many abuses came into existence in connection with the tributes. It was found out that in some cases pueblos were being taxed for Indians who were dead or had left the pueblos. The encomenderos took such advantage of the Indians in collecting tribute in produce that it was specified that the tributes should be paid in money. When reports were sent to Spain that the Indians were neglecting their fields and would not work, a decree was issued granting the requiring of tribute in pro-

13. López de Velasco, *op. cit.*, p. 251.

14. *Recopilación*, Lib. VI, Tit. VIII, Ley xxviii.

15. *Ibid.*, Lib. vi, Tit. VIII, Ley xxx.

16. Priestley, *op. cit.*, p. 121, note 1.

duce. It was ordered that the articles which could be paid for tribute be specified;¹⁷ some of these were wheat, corn, chickens, fish, cotton, and honey.¹⁸ In order to correct some of the abuses it was provided that a regular assessment be made and recorded. The assessment was to be preceded by a solemn ceremony.

First the appraisers should attend a solemn mass of the Holy Spirit, who lights up the understanding, in order that well, justly, and rightly they may make the taxation, and the mass over, they shall promise and swear before the priest, who has celebrated it, that they will do it well and faithfully and without malice or partiality and they shall see personally all of the pueblos to be taxed. . . .¹⁹

The Spaniards attempted to collect all of the Indians into towns or pueblos and to force them into the European ways of living. The *reduced* Indians paid only half the tribute required of them in their former state.²⁰ There was a provision that no tribute should be required for ten years of those who were reduced simply through the preaching of the Gospel.²¹ According to the decrees the encomenderos were under obligation to defend and care for the Indians, and to teach them the Holy Catholic faith. The pueblos were to be provided with churches and priests, but this duty was very much neglected. The Spaniards who came to the American colonies were more interested in a labor supply. Columbus provided that those who could not pay the tribute in money should pay it in work. From that time on, in spite of repeated prohibitions, the commended Indians were required to give personal service of different types. The work in the mines, on olive and indigo plantations, in the small factories, and in the homes will be considered in later chapters.

17. *Recopilación*, Lib. VI, Tit. V, Ley xxii.

18. *Ibid.*, Lib. VI, Tit. V, Ley xxv.

19. *Recopilación*, Lib. VI, Tit. V, Ley xxi.

20. *Ibid.*, Lib. VI, Tit. V, Ley ii.

21. *Ibid.*, Lib. VI, Tit. V, Ley iii.

The reduced Indians were not permitted to ride horse-back²² nor to carry arms;²³ and they were at the mercy of the encomenderos who took advantage of them. No doubt there has been exaggeration of the cruelty of the Spaniards, but the decrees themselves reveal many wrongs against the Indians. The Indians of the encomiendas were sometimes hired out, given as pledges, or given in payment of debts.²⁴ Advantage was taken of them in the selling of their produce.²⁵ Navigators and travelers on land often took either married or single Indian women with them.²⁶ At times encomenderos forced single Indians to marry young girls because single Indians could not be taxed until a certain time;²⁷ at other times they interfered with the marriages of Indians.²⁸ These overlords abused their privileges in regard to association with the Indians of their pueblos, and were prohibited from having dwellings in the pueblos and from staying in the pueblos more than one night.²⁹ The relatives of the encomenderos sometimes stayed in the pueblos, and the Indians were required to furnish food and lodging for them.³⁰ The Indians were forced to hunt old sepulchers and to make excavations in search for treasure.³¹ Even the curates and members of religious orders sent Indians to the mines, forced them to make fabrics and ornaments for the churches, and appropriated some of their goods.³²

There were always some encomiendas which belonged to the king, and as the private grants lapsed the "vacant" holdings were incorporated in the Royal Crown. These encomiendas were administered by royal officials, usually *corregidores*. By the middle of the eighteenth century most

22. *Recopilación*, Lib. VI, Tit. I, Ley xxxiii.

23. *Ibid.*, Lib. VI, Tit. I, Ley xxiv.

24. *Ibid.*, Lib. VI, Tit. VIII, Ley xvii.

25. *Ibid.*, Lib. VI, Tit. I, Ley xxv.

26. *Ibid.*, Lib. VI, Tit. I, Ley xlvi.

27. *Ibid.*, Lib. VI, Tit. I, Ley iii.

28. *Ibid.*, Lib. VI, Tit. IX, Ley xxi.

29. *Ibid.*, Lib. VI, Tit. IX, Ley xi.

30. *Ibid.*, Lib. VI, Tit. IX, Ley xiv.

31. *Recopilación*, Lib. VI, Tit. X, Ley xiv.

32. *Ibid.*, Lib. VI, Tit. X, Ley ix.

of the grants had reverted to the crown. Under this system the Indians were not much relieved of exploitation. In 1768 a report was sent from the city of Cuzco on the excesses of corregidores and parish priests. The corregidores handled the commerce for the provinces, regulating the quantity, quality, and prices of goods. They forced upon the Indians cloth from Castile, serge, flannel, brocades, silk, yarn, notions, and many other things, useless so far as the Indians were concerned. There were great quantities of women's hose which the native women could not use. These royal officers had the privilege of giving herds and tools to the Indians, trusting them for a half year; they collected in payment for these the fruits of the soil. They collected the grain at a price less than the current price with the pretext that they were obliged to hold it before being able to sell it. This meant a loss to the Indians and caused new debts for them to pay. In one province in the jurisdiction of Cuzco a corregidor gave an Indian three hundred pesos in useless articles rated at an excessive price. When the Indian tried to sell them, no one would offer him more than twenty-five pesos for the goods. He finally secured from the collector a little tract of land and a few cattle. In another case an Indian woman had one cow to help support herself and four sons. This was forcibly taken from her and killed for jerked beef. The Indians, knowing that their harvests would be taken from them, stopped improving the lands, tried to hide their grain, and sometimes went off to distant recesses in the mountains. The Indians were kept in debt and were placed in unhealthy prisons when they could not pay. The families of imprisoned debtors were frightened in different ways in order to extract payment of the debts from them. The corregidores sent the Indians to work in the fields and mines, used them to transport goods and mail from one pueblo to another, and took advantage of them in many ways.⁸⁸

88. *Relaciones de los vireyes y audiencias que han gobernado el Perú*, III, pp. 209-306.

When José de Gálvez was sent to America as visitor general (1761-1774), he was instructed to concern himself with the condition of the Indians who were being exploited by governors and alcaldes who apportioned merchandise. In 1775 he was appointed minister general for the Indies, and he introduced some reform measures. A law was passed prohibiting any advance of seeds, tools, or animals over five pesos in value. This system gradually drifted into debt peonage, the remnants of which exist today in Mexico.³⁴

CHAPTER IV

THE TENACITY OF THE SYSTEM

As soon as the encomienda system was started in America, the holders of the allotments used the Indians entrusted to them for their own selfish ends. The evils of the system early became apparent, and the monarchs made repeated attempts to alleviate the condition of the native inhabitants of their colonies. Queen Isabella made an effort, even on her death bed, to correct the abuses which had already begun. Her wishes were embodied in a decree.

Titulo X, Ley i.

That there be kept that which is contained in the clause of the will of the Catholic Queen, about the teaching and good treatment of the Indians . . .

In the will of the most serene and very Catholic Queen Doña Isabel of glorious memory, is found the following clause:

“When there were conceded to us by the Holy Apostolic See the Islands and the Mainland of the Ocean Sea, discovered and to be discovered, our first intention was at the time that we supplicated the Pope Alexander VI of blessed memory that he make us the said concession, to try to procure the pueblos of them and to convert them to our Holy Catholic Faith, and to send to the said Islands and Mainland, bishops, religious, clerics, and other learned and God-fearing per-

34. Priestley, *op. cit.*, pp. 89 and 121.

sons in order to instruct the inhabitants and dwellers therein in the Catholic Faith and to indoctrinate them and teach them good customs, and to give this the proper attention as is contained more at length in the *letras* of the said concession. I beg the King, my lord, very affectionately and charge and command the princess, my daughter, and the prince, her husband, that thus they do and fulfill, that this be their chief purpose and on this they place much diligence, and not consent nor give permission for the Indian residents and dwellers of the said Islands and Mainland, gained or to be gained, to receive any harm to their persons or effects; but command that they be well treated, and if any have received any damage, they remedy it and provide in such a manner that nothing exceed that which is enjoined and commanded us by the letters of said concession."

And we in imitation of her Catholic and pious zeal do order and command the viceroys, presidents, audiencias, governors, and royal justices, and charge the archbishops, bishops, and ecclesiastical prelates that they have this clause in mind and keep that which is ordered by the laws which are given in regard to the conversion of the natives to the Christian and Catholic doctrine, their teaching, and good treatment.¹

No doubt the intentions of the monarchs and the Council of the Indies were good, but the colonists were far from the seat of authority, and the desire for personal gain was strong. That the laws were ineffective is shown by the many repetitions listed in *Recopilación*. In some cases from six to ten different dates are given for the same law; for one of them the dates run from 1550 to 1618. As early as 1532 Charles I (Emperor Charles V) issued a decree prohibiting the holding of encomiendas by royal or ecclesiastical officials. This was repeated in 1542, 1544, 1551, and included in an ordinance of Philip II in 1563.² The decree against the disposal of encomiendas by donation or sale was issued by Charles I in 1540, 1545, 1552; by Philip II in 1559, 1566, 1570, 1582; in instructions to viceroys in 1574;

1. *Recopilación*, Lib. VI, Tit. X, Ley i.

2. *Ibid.*, Lib. VI, Tit. VIII, Ley xii.

by Philip III in 1618; by Philip IV in 1628; and repeated by Charles II after 1665.³

The opposition of Las Casas and other Dominicans to the exploitation of the Indians has already been mentioned. In 1540 Las Casas prepared his *Breuíssima Relación de la Destrucción de los Indios* as a plea for the remedy of the deplorable conditions and measures to put an end to the rapid depopulation of the islands. This work was not published until 1552, but in the meantime Las Casas had secured private interviews with two kings (Ferninand and Charles I). Largely because of the preaching and writing of this "Apostle to the Indians," the *New Laws of 1542* were issued. Some of the provisions of these laws were: no enslavement of the Indians, the giving up of encomiendas held by officials and churchmen, the incorporation of encomiendas in the Royal Crown after the death of the conquerors, the abolishing of personal service, and the prohibition of the granting of new encomiendas. The most important provision was the prohibition of the permanent encomienda. Great importance has been attached to these New Laws by some authors, but they called forth such a storm of protest that they were not enforced. The discoverers and conquerors felt that they had served at the cost of blood and their rewards were meager. By this time there were not many encomiendas on the islands because of lack of Indians, but the system was strongly entrenched in New Spain and Perú. The men sent to enforce the laws were Licenciado don Francisco Tello de Sandoval, as *visitador* to New Spain, and Viceroy Blasco Nuñez Vela to Perú.

There was great unrest in Perú at this time because of the civil war between the Pizarro and Almagro factions. Some of the special provisions which were important to Perú were:

1. Encomiendas should not pass to sons and wives of of conquerors. The sons and wives should have

3. *Ibid.*, Lib. VI, Tit. VIII, Ley xvi.

the tributes, but the Indians were to remain in the Royal Crown.

2. No Indian was to be used as a carrier, unless impossible to avoid it; none should be sent to pearl fisheries or mines.
3. Encomenderos who had taken part in the disturbances between the Pizarro and Almagro factions were to lose their encomiendas.

It was evident that no one in Perú would be left in possession of an encomienda.⁴

An audiencia was to be founded in Perú with four *oidores*, and a president with the title of viceroy and captain general. The four *oidores* were Diego de Cepeda, who was at that time discharging the duty of *oidor* in the Canaries; Licenciado Lison de Tejada, connected with the royal audiencia of Valladolid; Licenciado Álvarez, a lawyer of this same audiencia; and Licenciado Pedro Ortiz de Zárate, *alcalde mayor* of Segovia. On November 3, 1543, Blasco Nuñez Vela left Spain with these *oidores*. He had promised to fulfill the ordinances to the letter of the law. When he landed at Panamá he proceeded at once to execute them. About three hundred Indians had been brought from Perú to Panamá, and the viceroy ordered that they should be returned at the expense of their masters although some of the Indians did not wish to return. The result was that many of them were left on the coast to die. Many complaints were made, but Nuñez turned a deaf ear, although the audiencia was more ready to listen. For some reason Nuñez went alone from Panamá to Tumbez, taking away encomiendas everywhere he stopped. News of his coming had reached Lima, and the people were ready to resist his measures. Vaca de Castro, who was at the head of the administration at that time, exhorted the encomenderos to obedience with a promise that he would mediate for them. The people came with pleas, showing wounds which had been received in the conquests and begging to retain their rewards. Cappa tells of an event which happened in Barranca about thirty

4. P. Ricardo Cappa, *Historia del Perú*, Libro Tercero, p. 20.

leagues from Lima when the new viceroy was on his way to that city. This inscription was seen on the wall of the inn: "Al que me echare de mi casa y hacienda, yo le echaré del mundo y quitarle he la vida." Nuñez blamed Antonio del Solar, the encomendero of Barranca, for the inscription, arrested him, and imprisoned him. Later when the oidores found him in prison and asked the reason, he stated that he did not know. He was released.

The deprived encomenderos began to demand the fulfillment of Castro's promises. They chose Gonzalo Pizarro as their representative, and armed resistance was made. Too late the viceroy began to doubt the success of his endeavors and suspended the execution of the New Laws until the emperor should give further orders. He was conquered and killed at Anaquito, and the land was left to the rebels.⁶

The council sent Pedro de la Gasca with the title of president and governor of Perú, and full powers. He carried with him two special cedulas; one revoking the law which deprived the participants in the civil wars from holding encomiendas, the other granting full power to encomendar *vacant* Indians, confirming the law of succession. Gonzalo Pizarro was conquered and beheaded. Gasca did not distribute all of the encomiendas until after the end of the war in order to hold out an inducement to the settlers to fight on his side. After the war he made the famous repartimiento in Guaynarima of one hundred fifty encomiendas, which amounted to one million forty thousand pesos of rent,—“an amount which no prince in the world had given as reward for services, in one day, by the hand of a vassal.” This was published in 1546. The right of granting encomiendas had been re-established, and Gasca's successors exercised it.⁷

When the landholders in New Spain heard of the coming of Francisco Tello de Sandoval with the New Laws,

5. Cappa, *op. cit.*, p. 23, note. "He who thrusts me from my house and estate, I shall thrust him out of the world and take his life from him."

6. León, *op. cit.*, p. 13, reverse; Cappa, *op. cit.*, p. 23.

7. *Ibid.*, pp. 14-15.

there was much feeling of resentment and they planned to receive him dressed in mourning. The viceroy, Antonio de Mendoza, persuaded them to make no violent resistance. The visitador published the laws, but when the residents made supplications, he suspended the most rigorous ones. Gonzalo Lopez and Alonso de Villanueva were sent to Spain with letters of appeal to the emperor. They found him in Germany; he heard their complaints and the accounts of the faithful services of his vassals in the New World.⁸ In response to the pleas Charles V revoked the law about the encomiendas in a decree of October 20, 1545:

... regardless of that which was designated by the New Laws, Indians may be allotted to the well-deserving.⁹

The encomienda system had successfully resisted the vigorous attempt to uproot it. In spite of repeated regulations, a study of *Recopilación* reveals the fact that the abuses of the system continued until 1667, the time of Charles II. Titulo X, Ley xxiii, issued by Charles II, reads as follows:

The King, Don Philip IV, our father and lord . . . having had notice of the bad treatment which the Indians receive in clothing factories without full liberty . . . without the right of leaving their homes . . .; they are detained in punishment for crimes or debts, obliged to carry burdens on their backs; they are distributed for service in the homes of viceroys, oidores, officials; and having been consulted by our Royal Council of the Indies, he was pleased to decide that the laws should be enforced about prohibiting and modifying the personal service, and he added by his royal hand the following clause:

"I wish that you give me satisfaction and satisfaction to the world about the manner of treating those my vassals, and on your not doing it in response to this carta, I shall see that punishments are executed on those who have exceeded in this matter; I shall give

8. León, *op. cit.*, pp. 15-16.

9. *Recopilación*, Lib. VI, Tit. VIII, Ley iv.

as deserved. I assure you that although you do not remedy it, I must remedy it, and command you to take great care in regard to the slightest omission in this, as being against God, and against myself, and in total ruin of those kingdoms, whose natives I esteem, and I wish that they be treated as they deserve, as vassals, who are worth so much to the monarchy and who have enlarged it so much and made it illustrious."

And because our will is that the Indians be treated with all kindness, mildness, and affection, and not be offended by any ecclesiastic or secular person, we command the viceroys, governors, . . . who having seen and considered that which His Majesty was pleased to command and all contained in the laws of this *Recopilación* given in favor of the Indians be kept and fulfilled with special care, and that they do not give any reason for our indignation.¹⁰

With the rapid decrease in the number of Indians, negro slaves were introduced and proved to be more efficient for hard labor than the Indians. The first negroes were brought to the colonies in 1502, and soon there was a regular slave traffic. The Indians, however, were still granted in *encomienda*. Gradually the holdings reverted to the Crown and were administered by *corregidores*. It has been pointed out in a previous chapter that these royal officials were hard masters and did not improve the conditions to any great extent. Priestley states that there was a general decree for the abolition of the *encomiendas* in 1720.¹¹ This was not any more effective than the previous ones had been. According to Helps, "the *encomienda* system remained in full force until the reign of Charles the Third of Spain [1759-88], at which period, it appears, it was annulled and a new system of government was adopted under the administration of Count [José] de Gálvez."¹² It is generally thought that the ordinance of 1786 which set up the intendant system meant the final abolition of the *encomienda*, but the second ordinance passed in 1803 shows that this is not true:

10. *Recopilación*, Lib. VI, Tit. X, Ley xxii.

11. Priestley, *op. cit.*, p. 121.

12. Sir Arthur Helps, *The Spanish Conquest in America*, IV, p. 360.

All of these provisions and instructions sent to the sub-delegates in their office and scope of authority being directed to tear up by the roots the disgraceful abuse of repartimientos and affairs, which besides the ruin of the Indians have caused such prejudices to the proper administration of justice, good government, happiness, and [have caused] the greatest disturbance of those dominions; and even the severe prohibition which was made in the first Ordinance of Intendants and which has been repeated in the later Royal orders, not having been sufficient to remedy this disorder; I declare anew that no intendants, nor their assessors, sub-delegates and ministers, nor employees in any kind of royal service, nor priests, nor miners, nor owners of estates and of factories, neither they nor their intermediaries shall have the power directly or indirectly, to *repartir* to the Indians and other classes of persons the effects . . . even though they be mules or tools useful and necessary for agriculture and work in the mines; and although the interested persons themselves may ask that they be given them as necessary help which they need for their maintenance, clothing, or work; for in order to accomplish all this they must be left in full liberty for trading and agreeing on the price and conditions which suit them best . . .¹³

As soon as the wars of independence were over, the new republics passed laws abolishing slavery, but the condition of the Indians was not much bettered for many years. On September 1, 1811, Argentina issued a decree extinguishing all tribute, abolishing the mita, encomiendas, and personal service. In Chile, a protectorate of the Indians was established, but the natives were frequently the victims of grave abuses; as late as August 29, 1927, a division was set up in the government to deal with Indian property and each Indian family was allotted some land which is held in permanent possession. Servile work continued in Central America. In Guatemala a law was passed as late as 1894 abolishing personal service; in 1898 and 1900 decrees provided that agricultural workers who had not fulfilled their

13. *Ordenanza General para el gobierno e instrucción de intendentes, subdelegados, y demás empleados en Indias.* Article No. 54, p. 41 f.

contracts should not be imprisoned but required to work on public works. The total liberation did not come until April 16, 1923. In Perú as late as 1906 a law provided that the work of natives should be remunerated in effective money and prohibited the obliging of Indians to live in agricultural centers against their will. In Venezuela many laws have protected the native since the end of the nineteenth century. Laws of July, 1928, refer to the protection of Indian property.¹⁴ The following quotation from an impassioned article written by J. Capelo in 1911 (Perú) is probably exaggerated, but indicates that the "tendrils" of the *encomienda* system were still clinging until a few years ago:

All the habits of monopoly and of exaction over the under-privileged classes which existed before, have been re-established and maintained each time with less tolerance, and the native race continues to pass through the grinding mill of the most inhuman exploitation, and the "encomienda," the "mita," and the "repartimiento," and the tribute and servitude of colonial times continues today as yesterday; it is nothing that there is heard the outcry of a noble race that submits . . .

Not only does the individual or the native family disappear, but entire populations disappear or suffer enormous depopulation. It will be sufficient for us to cite those mentioned in the supreme resolution of the second of January of the present year . . . Here they are shown; Barranca, Jeveros, (fifteen mentioned) . . . of which not less than half have disappeared absolutely and in not a few there is one *hacienda* in place of a *pueblo*, and in some there is a *pueblo* but with a population reduced to a tenth of what it was.¹⁵

14. *Legislación Social de América Latina*, I, pp. xi-xiii; II, pp. xvii-xx.

15. Capelo, *op. cit.*, p. 19.

CHAPTER V
PERSONAL SERVICE

It was in accordance with ancient custom and general practice among conquerors that the Spaniards required the Indians of America to pay tribute. Since most of the conquerors made their hazardous expeditions at their own expense, it seemed just that they should have a share of the tributes claimed by the king. In order to collect this tribute the Indians were allotted among the Spaniards under the *encomienda* system which has been described. The early settlers were faced with the problems of improving the land, taking out the riches for the monarch, and civilizing and Christianizing the Indians. The whole of the philosophy of life of the colonists militated against tilling the soil; the Indians would not be induced "without a certain degree of compulsion" to an industry adequate to the needs of the colonies, or even to a lasting relation of friendliness to the colonists. A close relationship was absolutely necessary if the civilization of the natives, and above all the conversion to Christianity so strongly emphasized from the outset in the history of discoveries, were to be successfully carried out.¹ Since unlimited freedom of the natives meant ruin to the colonies, the *encomienda* system emerged, at least in intent, as one of the most humane systems of serfdom which the world had known up to the time of the Spanish colonization. In theory and according to the statutes it carried a definite responsibility for the welfare and civilization of the natives. In the hands of the Spanish colonists it became in reality slavery of a cruel, devastating form.

Much blame has been heaped upon Columbus for inaugurating the practice of serfdom and upon the monarchs of Spain for permitting it. Whoever may be responsible, it is true that gross abuses soon arose, and that during the first fifteen years of the colony of *Española* the natives were

1. Keller, *op. cit.*, p. 264, note.

almost extinguished. Most Spanish writers defend the rulers and point out the fact that they urged good treatment of the Indians. Antonio del Monte y Tejada places the blame for starting the custom of requiring personal service upon Roldán, the president of the court of justice under Columbus.² Although Roldán was unscrupulous, it was Columbus who authorized the payment of tribute in service if the Indians could not pay in money or produce. Personal service had become well established before the coming of Ovando to Española in 1502. Ovando was instructed by Queen Isabella to prohibit the requiring of any service without just compensation, and he attempted to enforce this regulation. As soon as the Indians found themselves at liberty they fled from the settlements and separated themselves from association with the Spaniards. The colonists complained that the natives would not work even if they offered them good wages, and that they had no help on the farms or in taking out the gold. Fearing the failure of her colony, Queen Isabella sent new instructions to Ovando:

Medina del Campo, December 20, 1503.

Doña Isabel,

Inasmuch as the King, my Lord, and I, by the instructions which we commanded to be given to Don Frey Nicola Dovando, Comendador Mayor of Alcantara, at the time when he went as our governor to the Islands and Tierra Firme del Mar Oceana, had commanded that the Indian residents of the Island Española be free and not subject to servitude; . . . and now I am informed that because of the great liberty which said Indians have, they flee and separate themselves from communication with the Christians, and even when they wish to pay them wages they will not work nor help on the farms nor in taking out gold . . .

From the time you see this carta compel the Indians to associate, to work on buildings, to take out gold and other metals, and to work on the farms . . .³

2. Don Antonio del Monte y Tejada, *Historia de Santo Domingo desde su descubrimiento hasta nuestros días*, I, p. 493.

3. *Documentos Inéditos de Indias*, XXXI, pp. 209-212.

Isabella stated in this carta that her reason for permitting the compulsory work was her desire that the Indians be converted to the Catholic Faith and that gold be taken out. It is hard to tell which motive was stronger. She insisted that they should be paid and that they should work as free persons, not as slaves. Each cacique or chief was to have charge of a certain number of Indians who should work under his direction. On all *fiesta* days the Indians were to be brought together to hear the doctrine. This carta, in spite of its humane features (which were disregarded), gave the colonists just the opportunity which they desired; from this time on the Indians were used for all sorts of service. Viñas y Mey calls attention to the many decrees against personal service, but a careful study of these will show how the practice continued, regardless of all provisions against it.

In 1528, under Charles V, a decree was issued requiring that the tribute of the Indians in both royal and private encomiendas should be paid in produce from the land, not in personal service.⁴ Twenty-one years later, 1549, another decree was sent out stating that tributes might not be changed to personal service.⁵ In that same year all personal service was prohibited except to make the Indians work for pay.⁶ Both Philip II (1563) and Philip III (1601) found it necessary to repeat this order. Protectors were sent out, beginning with Las Casas, whose duty it was to report abuses of the Indians and to defend them in any cases between encomenderos and Indians. Charles V directed the regular and secular clergy to advise the protectors if any Indians were held in servitude in homes, on estates, or in the mines by the Spaniards.⁷ In 1568 Philip II decreed that in each title given to an encomendero there should be inserted a clause stating that no personal service should be

4. *Recopilación*, Lib. VI, Tit. V, Ley xxi.

5. *Ibid.*, Lib. VI, Tit. V, Ley xxiv.

6. *Ibid.*, Lib. VI, Tit. XII, Ley i.

7. *Ibid.*, Lib. VI, Tit. VI, Ley xiv.

required.⁸ How effective this provision was may be seen from the fact that Philip III decreed in 1611 that the small *encomiendas* be joined to larger ones, and "that personal service cease."⁹ There is almost a note of despair in the decree of 1608 which states that the *cedulas* against personal service had been so badly kept that some doubts had arisen about the legality of the practice.¹⁰ Philip IV and Charles II continued to wrestle with the problem of satisfying the settlers in the colonies without allowing inhuman treatment of the natives. In 1633 workshops in the *encomiendas* and personal service were prohibited,¹¹ and under Charles II a decree was issued against forced labor by Indian women and sons who had not reached the tribute-paying age.¹² One difficulty with the regulations was that there were many loop-holes. The colonists were permitted to force the Indians to work for pay, and they deducted the amount of the tributes from the wages or kept the Indians in debt to them. The *alcaldes* and jailers forced the Indian prisoners to render personal service,¹³ and at times Indians were condemned to personal service in convents.¹⁴

A law of 1633 provided for the paying of tribute in wheat, corn, yucca, fish, cotton, vegetables, or anything else suitable to the place, and stated "that there are some provinces in which personal service still exists with grave harm and vexation to the Indians." It was recommended that the officials in charge of the government in each locality call together the prelates, the royal officials, the bishop, and some disinterested persons to consider the matter and to estimate a just amount to be required in tributes. It was ordered that the *encomenderos* should abide by the decision and not collect any more than the amount set.¹⁵ The

8. *Recopilación*, Lib. VI, Tit. XII, Ley xlix.

9. *Ibid.*, Lib. VI, Tit. Bit. VIII, Ley xxvii.

10. *Ibid.*, Lib. VI, Tit. XII, Ley xlvi.

11. *Ibid.*, Lib. VI, Tit. IX, Ley xvii.

12. *Ibid.*, Lib. VI, Tit. XIII, Ley ix.

13. *Ibid.*, Lib. VII, Tit. VI, Ley ix.

14. *Ibid.*, Lib. VII, Tit. VIII, Ley x.

15. *Recopilación*, Lib. VI, Tit. V, Ley xxv.

encomenderos took advantage of the right to collect tribute in kind by depriving the Indians of a large part of their crops and forcing them to weave blankets for them. To correct this it was decreed that the tributes should be paid in money, and new difficulties arose. A decree issued by Philip II and repeated several years later by Charles II stated that since the tribute had been commuted to money, wheat, corn, birds, fruits had gone up to excessive prices. Since the Indians were not forced to pay tribute in produce, they did not care to work, and the land was lying idle. The viceroys, presidents, audiencias, and governors were exhorted to consider this matter and remedy the situation.¹⁶ It seemed almost impossible to abolish personal service, which took many forms.

One type of service was that which women were required to perform in the homes of the Spaniards. They were often taken from the *yanaconas* in Perú and the *naborias* in Mexico, Indians who were adscripted to the soil. As early as 1539 a decree was issued against commending the yanaconas to such service,¹⁷ and eleven years before that encomenderos were forbidden to have Indian women in their homes.¹⁸ At times the caciques accepted daughters of the Indians as tribute,¹⁹ and sometimes those who went into the pueblos to collect tribute forcibly took away wives and daughters.²⁰ In 1582 royal officials were ordered to proceed against corregidores and alcaldes mayores who burdened Indians and took away their women.²¹ Because of excesses which were committed no single Indian woman was permitted to contract for work in the home of a Spaniard, and no married woman might do so unless her husband contracted to work for the same master.²² Sometimes sailors and other travelers took away Indian women who never re-

16. *Ibid.*, Lib. VI, Tit. V, Ley xxxix.

17. *Recopilación*, Lib. VI, Tit. VII, Ley xxxvii.

18. *Ibid.*, Lib. VI, Tit. IX, Ley xx.

19. *Ibid.*, Lib. VI, Tit. VII, Ley xiv.

20. *Ibid.*, Lib. VI, Tit. X, Ley iv.

21. *Ibid.*, Lib. VI, Tit. XII, Ley xii.

22. *Ibid.*, Lib. VI, Tit. XIII, Ley xiv.

turned to their people.²³ In the early days of colonization there were no inns, and travelers stayed in the Indian pueblos, requiring the Indians to furnish them with food and service. Encomenderos were prohibited from staying more than one night²⁴ and merchants were not permitted to stay more than three days.²⁵ Where there was no inn a Spanish traveler might stay at the house of an Indian if he paid for his lodging and food.²⁶ After inns were opened, it was deemed necessary to assign Indians to do the domestic service,²⁷ but they were to be paid. The travelers must have been very exacting in their demands on the Indians because a decree was issued in 1596 stating that Indians should be permitted to give necessary service only. They might provide bread, wine, and meat for the travelers and grain for their animals.²⁸ In Paraguay the Jesuits established a mission system under which the Indians were reduced to living in missions under strict religious discipline. Because of the special conditions in this region allotments of Indians to convents were permitted in Paraguay, Tucumán, and Rio de la Plata.²⁹ Each *doctrinero* was allowed for personal service two boys (from seven to fourteen years of age), one old Indian woman to do the cooking, and one Indian man. He was to furnish their food and clothing.³⁰

In the plan for the civilizing and Christianizing of the natives, all Indians were to be reduced to pueblos.³¹ Each reduction was to be furnished with a church which had a door which could be locked,³² and a sacristan to care for the ornaments.³³ Each pueblo had at least one Indian alcalde; if there were more than eighty families a pueblo was en-

23. *Ibid.*, Lib. VI, Tit. I, Ley xlviii.

24. *Recopilación*, Lib. VI, Tit. IX, Ley xiii; xi.

25. *Ibid.*, Lib. VI, Tit. III, Ley xxiv.

26. *Ibid.*, Lib. VI, Tit. III, Ley xxv.

27. *Ibid.*, Lib. VI, Tit. XIII, Ley iii.

28. *Ibid.*, Lib. VI, Tit. XIII, Ley iv.

29. *Ibid.*, Lib. VI, Tit. XII, Ley xiv.

30. *Ibid.*, Lib. VI, Tit. XII, Ley xlv.

31. *Recopilación*, Lib. VI, Tit. III, Ley i.

32. *Ibid.*, Lib. VI, Tit. III, Ley iv.

33. *Ibid.*, Lib. VI, Tit. III, Ley vi.

titled to two *alcaldes* and two *regidores*. The *alcalde* had jurisdiction in minor offenses; he might inquire into cases of delinquency, make arrests, and imprison for very short terms. He was permitted to punish with one day in prison or eight lashes one who failed to attend mass on a *fiesta* day, got drunk, or committed some like offense.³⁴ No Indian of one *pueblo* was permitted in another *pueblo* under penalty of twenty lashes or, if a *cacique*, payment of four pesos.³⁵ *Encomenderos*, their families, and their servants were prohibited from entering or residing in the *pueblos* of their *encomiendas*,³⁶ and they were ordered to provide priests, paying the expense out of the tribute.³⁷ It was decreed that the sites for the reductions were to be carefully chosen where there would be plenty of water, both mountainous and level land, good approaches, and space for fields and pasture.³⁸ Since mining was so important and Indians were often forced to go far from their homes to work in the mines, *pueblos* were established near them.³⁹ The Indians had plots of land which they cultivated for themselves, there were some lands held in common by the *pueblo*, and they were sent out in lots or *mitas* to cultivate the lands of the *encomenderos*. The *repartimiento* or distribution of work was in the hands of *caciques*, or native chiefs.⁴⁰ The *caciques* were exempt from paying tribute and doing personal service and retained certain rights which they had held before the Spanish domination.⁴¹ Although they were protected in their claims that certain Indians were their vassals, they were not entitled to be called *Señor*; the only titles permitted them were *Cacique* or *Principal*.⁴² Excesses against the Indian laborers were committed by the *caciques*

34. *Ibid.*, Lib. VI, Tit. III, Leyes xv and xvi.

35. *Ibid.*, Lib. VI, Tit. III, Ley xviii.

36. *Ibid.*, Lib. VI, Tit. IX, Ley xiv.

37. *Ibid.*, Lib. VI, Tit. III, Ley v.

38. *Ibid.*, Lib. VI, Tit. III, Ley viii.

39. *Recopilación*, Lib. VI, Tit. III, Ley x.

40. *Ibid.*, Lib. VI, Tit. III, Ley xvi.

41. *Ibid.*, Lib. VI, Tit. VII, Leyes i, ii; Tit. V, Ley xviii.

42. *Ibid.*, Lib. VI, Tit. VII, Leyes v and ix.

principally because of pressure brought upon them by the Spanish officials and the owners of mines.⁴³ The proceeds from the common land were placed in a special treasury called *caja de comunidad*, out of which were paid expenses for the common good. Careful accounts were to be kept, and doctrineros were not permitted to enjoy anything from the *caja de comunidad* without license from the viceroy or *audiencia*.⁴⁴ In 1582 a decree ordered that each Indian of New Spain should cultivate each year ten fathoms of earth for the *comunidades*. The same was to be introduced into Perú.⁴⁵ The Indian laborers were required to give service on the common lands, on the lands belonging to the *encomenderos*, and later on lands which the *corregidores* were permitted to hold. They often were required to go long distances from their homes; they worked long hours, and had scanty food. During the reign of Philip II decrees were issued requiring that those who labored in the fields should be paid a just sum, that they should be paid for the time of going and coming, and that they should not be required to go more than ten leagues (about thirty miles) from home to work.⁴⁶ So much of their time was spent in the forced labor for the *encomenderos* that the Indians did not have time to work their own lands.⁴⁷ After the *mita* was introduced for work in the fields as well as in the mines, a certain portion of Indians was sent out at a time. It was ordered that the *mita* should not exceed a seventh part in Perú⁴⁸ and four per cent in New Spain.⁴⁹ The viceroys were directed to fix the hours and days of work to be required⁵⁰ because the *encomenderos* often kept the workers overtime or sent them out a second time before they had a chance to return to their families from the previous *mita*. It was re-

43. *Ibid.*, Lib. VI, Tit. VII, Ley xi.

44. *Ibid.*, Lib. VI, Tit. IV, Leyes i to xxxvi.

45. *Recopilación*, Lib. VI, Tit. IV, Ley xxi.

46. *Ibid.*, Lib. VI, Tit. XII, Leyes ii and iii.

47. *Ibid.*, Lib. VI, Tit. I, Ley xxiii.

48. *Ibid.*, Lib. VI, Tit. XII, Ley xxi.

49. *Ibid.*, Lib. VI, Tit. XII, Ley xxii.

50. *Ibid.*, Lib. VI, Tit. XII, Ley xxvi.

peatedly ordered that although it might be necessary to force the Indians to work in the fields, they must be paid, but the pay was either lacking altogether or too small to cover the necessities of life. At times the miserable laborers were forced to live on herbs and roots.

Viñas y Mey states that in Chile a third of the reduction would be assigned to agricultural work at a time. The amount of the tribute was discounted from the wages. This third worked for two hundred seven days, or nine months of twenty-three days each. This left three months for the cultivating of their own crops. They assembled on November fifteenth after their fields had been planted and worked for eighty days, beginning on December first. On March fifteenth they stopped work and returned to gather their individual crops, assembled again on the sixteenth of April, and departed for their work on April twenty-fourth. This time they worked one hundred twenty-seven days until October ninth. All Sundays and fiesta days were observed; on fiesta days the *mitayos* were permitted to hire out to whom they desired.⁵¹ That this plan was not observed throughout the colonies is indicated by the statements in the decrees that Indians were sometimes not permitted to return to their homes when the mita was ended⁵² and that they did not have time for their own lands.⁵³

Don Luís de Velasco, Viceroy of Perú, in his *relación* to his successor, 1604, told of some of his difficulties in enforcing the decrees against personal service. He stated that His Majesty (Philip III) had provided anew against personal service, but he could not enforce the decrees to the letter of the law. The Indians were naturally antagonistic to work, and when not forced to perform services they neglected the fields and flocks. They were so few in number that only a sixth or seventh part could be distributed for work. He had consulted the royal audiencia, some religion-

51. Viñas y Mey, *op. cit.*, pp. 74-75; *Recopilación*, Lib. VI, Tit. XVI, Ley xxi.

52. *Recopilación*, Lib. VI, Tit. XII, Leyes xxiv and xxvi.

53. *Ibid.*, Lib. VI, Tit. XII, xxv.

ists, practical persons, and experts, and it seemed to all impossible to introduce the measures which His Majesty commanded without great ruin and detriment to the country. He had provided, however, that the Indians be relieved of some of the severe oppression. His Majesty prohibited the requiring of personal service in lieu of tribute in Tucumán, Paraguay, and Chile. He had despatched provisions to the governors of these provinces, asking them to confer with the bishops and make commutation. At least they must see that the Indians who were granted in encomienda from this time on should be commended without this burden.

In Charcas there were some warlike Indians who made depredations in the surrounding country. It was difficult to reduce these to civilized living. When Señor don Francisco de Toledo made a *visita general* (supervisory visit), he left many Indians in Charcas adscripted to large estates, which in that province were called chacaras. He ordered that they should be bound to the soil to cultivate it for the *dueños* (overlords) without any right to leave it. The *dueños* were required to give them clothing, doctrine, other necessities, and pieces of land for their own planting; the *dueños* were to pay the taxes and tributes for them. These Indians were called Yanaconas. Many other Indians had joined the Yanaconas in order to escape the mitas to the mines because this work on the lands was easier. This left the mita for the mines to a few Indians. His majesty had been informed that these Yanaconas were bound to the soil and were suffering wrongs; he had, therefore, ordered that they should not be forced to stay on the chacaras. Velasco ordered the corregidores to publish the king's decree. The corregidor of La Plata did not publish it and wrote to Velasco telling him about the confusion which it would cause. Letters were exchanged with both the viceroy and the audiencia, but Velasco finally succeeded in having the decree published. The Yanaconas might be required to give service but they were to serve as free men, not as slaves. As soon

as the decree was published, the Yanaconas left the chacaras and would not work. There was no one to do the work, to plant the fields, and to gather the harvest. Potosí was not able to subsist without the labor of the Indians. Velasco was forced by circumstances to allow the original Yanaconas to be kept by force on the estates, but those who had voluntarily joined them to escape the mita to the mines were to be set free. Velasco added that "although the meaning of the royal cedula says very clearly that they should not be detained on them by force, necessity obliged us to modify it in regard to the original Yanaconas."⁵⁴

In 1539 and again in 1550 it had been decreed that the Yanaconas should not be allotted for domestic service.⁵⁵ In 1571 those who were no longer bound to personal service were required to pay tribute as the other Indians.⁵⁶ In 1618 another decree was issued stating that the Indians of the chacaras should not remain as Yanaconas, bound to personal service.⁵⁷

During the viceroyalty of Velasco a man by the name of Alfonso Messía sent a long memorial to the viceroy on the subject of the cedulae about personal service of the Indians. He said that the following provisions were made in these cedulae:

1. There were to be no repartimientos to work in the fields, the construction of buildings, for the care of flocks, and similar duties.
2. The Indian tributes were not to be commuted to personal service of any kind.
3. The Indians were not to be permitted to work in textile factories or sugar mills even voluntarily.
4. The Indians were not to be burdened with loads.
5. The Indians were not to be allotted to chacaras of Cuzco, Charcas, and other parts and were not to be forced to remain on the estates.

54. *Relaciones de los Virreyes y Audiencias que han gobernado el Perú*, II, pp. 3-15.

55. *Recopilación*, Lib. VI, Tit. VIII, Ley xxxvii.

56. *Ibid.*, Lib. VI, Tit. V, Ley v.

57. *Ibid.*, VI, Tit. III, Ley xii.

6. That Indians should not be abused in the chacaras.
7. No Indians should be kept in the vineyards and olive groves.
8. No Indians should be sent to the pearl fisheries.
9. Indians were not to be sent to the mines.
10. The Jueces Repartidores who distributed the Indians were to be taken away.
11. The taxes of the Indians in the mines of Potosí were to be moderated.

There were many difficulties in the way of enforcing these provisions. They would cause general discontent and work would cease. His Majesty had suggested the following remedies: the buying of negro slaves to replace the Indian workers, the forcing of mestizos and idle Spaniards to help with the labor, and the requiring of the Indians to come to central places to be hired for work, and the moving of the pueblos close to the mines and other places where work was required. Messía made objection to all of these proposals. He objected to the substituting of negro slaves because they brought such diseases as measles and small-pox, they could not stand the work in the cold regions, and the miners and landholders were not rich enough to buy them. He stated that there were only eight rich miners in Potosí, and these did not have much ready money since their wealth was in land. He thought that it would be impossible to use mestizos and Spaniards for work in the mines especially because they could not climb the mountains as the Indians did, and they wore clothing which was too cumbersome. It would be all right to hire the Indians from some central place, but who would collect them? The caciques had a hard time as it was assembling those who were sent out for the mita; some always escaped. The moving of the pueblos nearer to the places of work was quite impossible because the Indians were attached to their pueblos where they had their families established. Messía suggested that instead of making a wholesale prohibition of personal service, certain outstanding wrongs should be corrected. He mentioned as one wrong the fact that those for whom the

Indians worked did not pay them nor furnish them with food. The workers were given cédulas, promises of payment, and often died leaving only these worthless cédulas to their children. The remedy suggested was that agreements be announced publicly in both the Indian and Spanish languages. If any Spaniard did not keep his agreement, the Indian was to report to the Indian alcalde, and the alcalde to the viceroy. If a second complaint was made the Spaniard was not to be allowed any Indians for a year. Another abuse was the contracting for work by companies in which one man sent the Indians out and another was to pay them. The Indians were made to work night and day in cultivating and irrigating fields, and sometimes the quota was increased. Indians who were allotted for work in the fields were often forced to work in the houses and in sugar mills where there was danger of cutting their hands and otherwise injuring themselves. The corregidores who were allowed to have land for themselves deprived the Indians of the best of the land and of the water for irrigation. He mentioned the harm to the Indian shepherds. They were sent off to the hills with the sheep and were absent so long from their families that the natural propagation of the race was prevented. These individual wrongs Messía thought should be corrected.⁵⁸

Messía mentioned the textile factories in which the Indians were forced to work. This labor took many forms. When the encomenderos were permitted to accept blankets and cloth in payment of tribute, they shut women up in houses and forced them to spin and weave.⁵⁹ Although the women were exempt from paying taxes, they were often forced to do this work to pay the taxes due from their husbands. The church officials forced them to weave fabrics and make ornaments for the churches,⁶⁰ and they made

58. *Relaciones de los Virreyes y Audiencias que han gobernado el Perú*, II, pp. 339-374.

59. *Recopilación*, Lib. VI, Tit. X, Ley xv.

60. *Ibid.*, Lib. VI, Tit. X, Ley viii.

clothing for secular and ecclesiastical officials.⁶¹ Philip II issued a decree in 1595 prohibiting the service of Indians in these weaving establishments and in the sugar mills,⁶² and in 1633 Philip IV declared that there should be no workshops in the *encomiendas*.⁶³

According to Juan and Ulloa the evils connected with the labor in the textile factories continued until late in the eighteenth century. Although Viñas y Mey takes great pains to disprove the statements of these travelers in regard to the corruption of the *audiencias*, his only comment on their tales of the abuses and short rations of the textile workers is that Calixto Bustamante tells a different story. He quotes Bustamante as saying that the workers were given competent rations twice a week and that they were fat and looked refreshed. Probably the observers saw different factories. If the factories described by Juan and Ulloa was typical, the conditions were truly deplorable. They wrote that the work began before day dawned. As soon as the Indians assembled, the tasks were assigned by the master; the doors were closed and locked. At noon the door was opened to let the Indian women come in to bring the scant ration. After a very short time the doors were closed again, and work continued until darkness made it impossible. Then the master, foreman, came around to collect the stints. Those who had not completed the tasks assigned were punished with terrible cruelty; lashes by the hundreds were given, "for the Spaniards knew how to count only by hundreds." They were shut up in prison in the same building or placed in stocks. During the day many visits were made by the foreman and blows were given to those not fulfilling their tasks. Unfinished tasks were piled up, and debts were allowed to accumulate so that the Indians often worked long without any pay. When they were paid,

61. *Ibid.*, Lib. VI, Tit. X, Ley ix.

62. *Ibid.*, Lib. VI, Tit. XIII, Ley viii.

63. *Ibid.*, Lib. VI, Tit. IX, Ley xvii.

they received one *real* a day,⁶⁴ and half of that was retained to pay the corregidor. The Indians became sick and died because of the terrible life in these factories. Indian mothers wept when their children were assigned to this work.⁶⁵

Each section had its own particular type of forced labor with its attendant evils. In Perú there were the coca plantations, in New Spain the Indians were forced to leave their lands to care for silk worms; and in Guatemala they were forced to gather indigo leaves. In the Andes of Perú, in the corregimiento of Paucartambo, the Spaniards found out from the Indians the value of the coca leaves. The coca trees grow to about the height of a man and put out new leaves each month, from which can be extracted a powerful drug (cocaine). The Indians were superstitious about the coca leaves and used them in their pagan ceremonies. They burned them and realized that the incense had a soothing effect. They told the Spaniards that when they chewed the leaves, they had new strength for work and could endure hunger and thirst for a long time. So valuable did they consider coca that they used it sometimes as money. The Spaniards became interested in its cultivation, and the traffic in the leaves became so great that in Potosí alone it amounted to more than 500,000 pesos of silver each year. The coca trees were cultivated in valleys which were very hot and damp, and the Indians who were mostly highlanders suffered greatly from the change. A decree from Philip II in 1569 declared that the use of coca in heathen ceremonies should cease, also the use by the Indians in the belief that it would allay hunger.⁶⁶ The cultivation was not prohibited entirely because it was recognized as an important source of wealth for Perú. No person was to be permitted to have a plantation which would yield more than five hundred baskets of harvest for each mita, under penalty of a fine of five

64. From 12½c. to about 35c. in value, depending upon the value of a peso at the time.

65. Ulloa y Gorge Juan, *Noticias Secretas de América*, pp. 275-278.

66. *Recopilación*, Lib. VI, Tit. XIV, Ley 1.

hundred pesos. If anyone had less than five hundred *cestos* he was prohibited from planting more except by license from the viceroy. No Indian was to be compelled to cultivate coca against his will. If any natives wished to hire out for this work, they must have change of clothing because of the rainy climate, must have beds high above the ground, and should not be permitted to carry the harvest to Potosí on their backs. The workers were to be given food for each month, provided with medical care by doctors paid by the *dueños*, were to observe the fiesta days, and could not be detained over their allotted time.⁶⁷

In Guatemala it was discovered that a good blue dye could be gotten from the leaves of the indigo plant. Not having negro slaves, the Spaniards introduced Indians to gather these leaves. This was dangerous work and the Indians lasted only a few years in doing it. Consequently, it was forbidden.⁶⁸

When the Spaniards came to America, the Indians were not using any efficient beast of burden. There were few open roads, and it became the custom to use the natives as burden-bearers. Viñas y Mey tells of the objections made by Las Casas, the bishop of Marroquín, and Zumárraga to this type of work. In 1540 a petition was sent to the council of the Indies to forbid the use of natives as carriers because many died from the ill treatment. The king sent the petition to Mendoza with an order for him to call together the oidores and the bishop of Mexico to talk over the matter. He states that Cortés prohibited the use of Indian carriers under pain of death, and that Charles V and Philip II prohibited the Indians performing this service even by their own free will. The best remedy was to open roads and introduce beasts of burden. A royal cedula was issued to the audiencia of Buenos Aires to construct roads, and in 1563 Philip II ordered the audiencia of La Plata to make roads

67. Solórzano, *op. cit.*, I, pp. 99-101; *Recopilación*, VI, XIV, ii.

68. *Ibid.*, I, p. 96; *Recopilación*, Lib. VI, Tit. XIV, Ley iii.

and bridges.⁶⁹ An examination of the decrees in regard to burden-bearing reveals some of the abuses and the difficulties in enforcing the regulations.

During the reign of Charles I (Emperor Charles V) a decree was issued (1536) stating that no Spaniard might be carried on a litter unless he had some notorious illness.⁷⁰ The Indians were forced to bring provisions to the cities. Personal service was forbidden in 1549, and in 1552 a cedula stated that carrying food, wood, corn, and chickens to the cities was personal service and placed a penalty upon anyone requiring this type of work.⁷¹ In 1528 and again in 1549 the burdening of Indians against their will was forbidden, and ecclesiastical prelates were exhorted to give particular attention to this provision.⁷² It was found necessary to modify a cedula against Indian carriers so as to permit their use where there were no open roads and no beasts of burden. The number of Indians, the distance, the weight of the burdens, and the pay were to be set by the audiencia, governor, or judge.⁷³ No mestizo was permitted to burden an Indian even where there were no open roads,⁷⁴ and in permitted cases no Indian might be a carrier under the age of eighteen.⁷⁵ In 1533 the maximum load was set at two arrobas,⁷⁶ but the decree stated that the weight was to be regulated by the topography of the country and the strength of the carrier.⁷⁷ The king was to be notified if any violation of the two-arroba rule was necessary. The encomenderos had a habit of forcing their Indians to carry supplies to the mines to be sold to the miners; this was forbidden in 1558.⁷⁸

69. Viñas y Mey, *op. cit.*, pp. 29-31; 283-284.

70. *Recopilación*, Lib. VI, Tit. X, Ley xvii.

71. *Recopilación*, Lib. VI, Tit. XII, Ley vii.

72. *Ibid.*, Lib. VI, Tit. XII, Ley vi.

73. *Ibid.*, Lib. VI, Tit. XII, Ley x.

74. *Ibid.*, Lib. VI, Tit. XII, Ley xiii.

75. *Ibid.*, Lib. VI, Tit. XII, Ley xiv.

76. An arroba was about twenty-five pounds.

77. *Recopilación*, Lib. VI, Tit. XII, Ley xvii and xv.

78. *Ibid.*, Lib. VI, Tit. XII, Ley viii.

Indians were permitted to unload boats at the ports and to carry the cargo to shore not to exceed a distance of one-half league (a league was about three miles).⁷⁹ In 1582 Philip II sent an order for the authorities to proceed against corregidores and alcaldes mayores who made the Indians bear burdens⁸⁰ and repeated the decree against the use of carriers. It was found out that the Indians in the vicinity of Mexico City were required to bring hens to the city as part payment on tribute. Sometimes it was necessary for them to buy the hens at a price higher than the amount allowed them on their tribute.⁸¹ Philip III found it necessary in 1609 to issue a new decree against using the Indians as carriers except in special cases.⁸² In the same year a decree was issued against the practice of making the Indians of Canta and Guamantanga take snow from the hillside and carry it on their backs to Tambo de Acaybamba to be sent to the City of the Kings. The penalty to be imposed upon any corregidor requiring this work was deprivation from office and a fine of fifteen hundred pesos of gold.⁸³

On the Magdalena river, Indians were forced into service as oarsmen. The abuses were so great that Philip II decreed that a special protector should be sent to this region.⁸⁴ In 1601 Philip III ordered the dueños of the canoes to buy negro slaves to replace the Indians. While the slaves were being arranged for, the dueños were permitted to keep some Indians, but they were to be as few as possible.⁸⁵ The Indians of Venezuela were taken to Cumaná and Margarita to be oarsmen for the pirogues there.⁸⁶ In the Philippines there were abuses to be corrected in connection with the forcing of the natives to furnish fish for Fridays.⁸⁷ The use

79. *Recopilación*, Lib. VI, Tit. XII, Ley xi.

80. *Ibid.*, Lib. VI, Tit. XII, Ley xii.

81. *Ibid.*, Lib. VI, Tit. V, Ley xlii.

82. *Ibid.*, Lib. VI, Tit. XII, Ley v and vi.

83. *Ibid.*, Lib. VI, Tit. XII, Ley xxxiv.

84. *Recopilación*, Lib. VI, Tit. VI, Ley ix.

85. *Ibid.*, Lib. VI, Tit. XIII, Ley xxvi.

86. *Ibid.*, Lib. VI, Tit. XII, Ley xxxvii.

87. *Ibid.*, Lib. VI, Tit. XII, Ley xli.

of the Indians in pearl fisheries was forbidden in 1609.⁸⁸ The helpless natives were compelled to build houses for their lords, to erect fortifications, and to clean the streets of the cities without pay.⁸⁹ In the reductions the ordinary natives were at the mercy of their caciques, and even the doctrineros who should have had some sympathy often exploited them. When they were taken away from encomenderos and placed under royal officials, their lot was sometimes worse than before, as has been pointed out.

With the introduction of negro slaves the few Indians who were left were relieved of their bondage in most places, but as late as the twentieth century (1907) the world stood aghast at the disclosure of the horrors in the Putumayo region of Perú where Indians were forced to work at cutting and carrying out rubber.⁹⁰ The methods of the *conquistadores* were inherited by their descendants in the new American republics. In recent years, however, the natives have had many champions, especially among those who have some Indian blood in their veins. The following quotation from a short poem by José Santos Chocano of Perú, written in 1922, shows that vestiges of Indian serfdom are still found in that country:⁹¹

Indio que labras con fatiga
tierras que de otros dueños son:
Ignoras tu que deben tuyas
ser, por tu sangre y tu sudor?
Ignoras tu que audaz codicia,
siglos atrás, te las quitó?
Ignoras tu que eres el Amo?
Quién sabe, señor!

* * *

88. *Ibid.*, Lib. VI, Tit. XIII, Ley xi.

89. *Ibid.*, Lib. VI, Tit. X, Ley xiii.

90. W. E. Hardenburg, *The Putumayo, The Devil's Paradise*, p. 21.

91. Indian, you who labor with fatigue
The lands that belong to other lords;
Do you not know that they should be
Yours, by your blood and the sweat [of your brow]?
Do you not know that audacious greed
Ages ago took them from you?
Do you not know that you are the master?
—Who knows, señor!

El joven Indio comparece
 ante el ceñudo Capataz;
 Tu padre he muerto; y, como sabes
 en contra tuya en pié están
 deudas, que tu con tu trabajo
 tal vez nos llegues a pagar—
 Desde mañana, como es justo,
 rebajaremos tu jornal.
 El joven Indio abre los ojos
 llenos de trágica humedad;
 y, con un gesto displicente
 que no se puede penetrar,
 dice, ensayando una sonrisa:
 Así será.

The young Indian appears in person
 Before the angry overseer.
 "Your father I have killed; and, as you know,
 Against you, outstanding, there are
 Debts, which you by your work
 Perhaps may succeed in paying—
 From tomorrow, as is just,
 We shall reduce your daily wage."
 The young Indian opens his eyes
 Filled with tragic moisture,
 And with a resentful expression,
 Which no one can fathom,
 Says, attempting a smile,
 "Thus it shall be."

The bugle of war cries out for blood,
 The voice of the captain thunders:
 "Indian, to the ranks! Brandish your weapons
 Even to die or triumph.
 After the battle, if it be that you die,
 No one will remember about you;
 But if, instead, you come out victorious,
 I shall make you work in my fields.
 Do not ask me why you fight,
 Do not ask me where you are going."
 Docile, the Indian enters the ranks
 As a martial automaton,
 And he says gravely,
 "Thus it shall be."

José Santos Chocano, *Tres Notas de Nuestra Alma Indígena*, taken from Alfred Coester, *Anthology of the Modernista Movement*, pp. 201-207.

Clarín de guerra pide sangre.
Truena la voz del Capitán;
Indio! a las filas! Blande tu arma
hasta morir o hasta triunfar.
Tras la batalla, si es que mueres
nadie de tí se acordará;
pero si, en cambio, el triunfo alcanzas,
te haré en mis tierras trabajar—
No me preguntes por qué luchas,
No me preguntes dónde vas.
Docil el Indio entra en las filas
como un automata marcial;
y solo dice, gravamente:
Así será.

(To be concluded)



ONE OF THE ENTRANCE DOORS
OF EL SANTUARIO, AT
CHIMAYO, N. MEX.



WOODWORK OF THE INTERIOR, EL SANTUARIO AT CHIMAYO

USES OF WOOD BY THE SPANISH COLONISTS IN NEW MEXICO

By HESTER JONES

WE are to consider certain objects and constructions of wood belonging to the Spanish Colonial Period in New Mexico, from 1598 till well into the nineteenth century. These include mainly architectural features, furniture, household goods and agricultural implements. Museum material from the Historical Society collection in the old Palace of the Governors in Santa Fé illustrates most of the uses which will be described.

These products depend for their nature on the kinds of timber found in New Mexico; on the traditional knowledge of the Spanish manufacturers; and on the remoteness of the province from the rest of civilization, which greatly limited the supply of imported manufactured goods as well as of machinery for making needed articles.

According to L. F. Cottam, assistant forest supervisor of the Santa Fé National Forest, the kinds of timber in New Mexico are: western yellow pine, piñon, cottonwood, juniper, Douglas fir, oak, aspen, ash, white fir, limber pine, and blue and Engelmann spruce. The last four were little used as they grow at a very high altitude and were not generally so suitable as other woods.

The timber supply was described by Josiah Gregg and W. W. H. Davis, the former of whom wrote of New Mexico in the 1840's, shortly before the American occupation, and both of whom mention the pine, piñon and cottonwood, but speak of the scarcity of timber in the country. Davis (1856) tells us: "The country is said to have been well wooded when the Spaniards first settled it, but in many parts it has been entirely cut off, and in some instances without leaving a tree for shade." Mr. Cottam says these reports of the scarcity of timber are not correct. From one forest, 3,000,000 ties have recently been floated down the Rio Grande for the railroad in one year. He questions that

the Spaniards ever cut extremely large quantities of timber, although he says they burned a great deal to make grazing land and to force out game.

The larger timber grows high in the mountains, which accounts for the report of scarcity. The pine and Douglas fir grow 120 feet to 140 feet tall. The limitation in the wood supply was more a matter of variety and quality than of quantity. Such wood as elm, maple, walnut or mahogany were not to be found. Since the creations were mainly for utility, this lack was not generally important. The western yellow pine was adapted to almost any need, although there were some better, available woods for certain purposes, and these were not overlooked.

Characterization of the Woods

The quality of the woods determined the purposes to which they were adapted. The wood used in each item in our collection was identified for this study by Matt Nagle, a man who has worked in New Mexico forty years in mining and cattle work, son of a forester. His characterization of the wood was verified by Mr. Cottam of the National Forest Service. The following is a list of the qualities of the woods and the items made of each. Pine (western yellow) is soft and is the wood most easy to handle. It has a generally straight grain, though it is knotty. Articles made of pine are inclined to split through. Pine does not withstand strain so well as other woods. The surface does not wear smooth. Pine is the main architectural wood, being used in vigas (or beams), portals, corbels and architraves. It is also the main furniture wood, used in chests, cupboards, chairs, tables, benches, candlesticks, and santos. These uses are exemplified in the structure of our old museum building in Santa Fé which is the historic Palace of the Governors, originally built in the early 1600's, which still has some very old woodwork; and in the furniture and santos of the Historical Society exhibits. Other objects of pine in the collection are: an ox yoke, a spinning wheel, a pulley block,

breadtrays, a cheese press, a scale and a number of weighing trays, the wooden part of a wheat sieve, handles of tools, a bread shovel, a violin, and a stocking form.

Piñon, being a scrub pine with slow growth, has not so straight a grain as the pine and the grain is finer. It is not so apt to split through as the pine. It gets slick with use. A rope running through it is not so apt to cut into it and make a groove as with the pine. The tree branches in a way to be adapted for a saddle-tree or for legs of a spinning-wheel. It was generally used for locally made saddles. Piñon articles in our collection are shuttles, a skinning knife, a saw handle, a scale, a pair of hames, legs for a spinning-wheel, share of a plow, and a top for games.

Cottonwood is tougher than pine. The grain is not straight. It is not inclined to split through of its own accord, though it checks. It was used to advantage for dippers, ladles, spoons, and mixing bowls, because it has no taste. We have examples of these, and a wooden wine-barrel for making wine, and carreta wheels.

Juniper is stout and wears slick, and the grain is straight so that it can make a thin, long stick. We find an example of juniper in the long parallel sticks of a weaver's comb. Red cedar, which is a species of the same family, grows larger than the scrubby juniper, is strong and good for beams. It is the wood of a piece of a carved beam from the Pecos mission church, in our collection.

Oak is the stoutest and heaviest of the available woods. The grain is not straight, and it does not split through in the course of ordinary use. It will bend without breaking. It seldom grows above a scrub height in New Mexico, so its use is limited to small articles. In our collection we find stays of a blacksmith's bellows made of oak, the keys of a guitar and a stirrup. We are told that the sticks which stood up around a carreta frame were often made of oak.

Douglas fir, sometimes called red spruce, is very strong. It was used in the shaft of the plow in our collection. It was often used for dimension material in building, as large timbers for bridges, and sometimes for vigas.

Ash, being close grained with little shrinkage, was good for spinning-wheel hubs, as the spokes stayed in place. There is so little to be found that it hardly counts.

Aspen has a live quality yielding a good resonance. It was used in the guitar of our collection.

Remoteness and Limitations

We can help to explain the character and construction of these products by making clear the extreme remoteness of this small colony, the most northern province of New Spain.

The first settlement came into existence in 1598, after a series of explorations from Mexico City, the capital of New Spain, by Spaniards in search of gold and wealth that was reported to be in the northern pueblos. The small group came dressed in velvets and taffetas, under the leadership of Don Juan de Oñate, equipped with trappings of adornment rather than tools for work, although their purpose was to colonize. In 1617 there were only forty-eight soldiers and settlers in New Mexico, according to H. H. Bancroft. The eastern colonies developing on the Atlantic coast might as well have been on another continent, and this separation continued for over 200 years.

Remoteness in distance, continuing into the nineteenth century, has been summarized by Lansing B. Bloom as follows: "From Chihuahua, Santa Fé was 260 leagues to the north (over 700 miles), and in 1822 El Paso del Norte was the only settlement of any size in that whole distance until Valverde and El Paso were reached. The most western of the United States in 1822 was Missouri, and a traveler from Santa Fé to Franklin, Missouri, faced over 700 miles of mountain, desert and prairie, inhabited only by roaming Indian tribes. To the missions on the California seaboard it was equally far; and northwards were only barbarous Indians and occasional trapping and trading bands."

Political handicaps to trade added to the effectiveness of this remoteness. Previous to 1822, according to Spanish

policy which held until the Mexican independence gained in that year, all traffic except with the provinces to the south was discouraged and at times prohibited. "Some Spaniards engaged in illicit trade with the French inhabitants of Louisiana, which brought out prohibitory orders from the king in 1723. In 1800 there was as yet no trade with Louisiana or even with the Spaniards in Texas. The same exclusive policy was operative with regard to trade with the United States. The summary of all intercourse with the United States previous to Mexican independence is very brief: Lalande in 1804 and Pursley in 1805 had come in and settled: Lieutenant Pike and his men had been brought in as prisoners in 1807 and sent to Chihuahua; McKnight and his fellow traders had gone the same road in 1812; and in 1815, Chouteau and De Munn had been in Santa Fé for a few weeks. In 1821-22, small parties under Captain Glenn, Becknell and Stephen Cooper began that trade with the United States which was to grow to such proportions and was to affect so decidedly the fortunes of New Mexico. Stringent customs regulations in Mexico made prices exceedingly high on goods from the south." (Bloom.)

During the seventeenth century, commerce that existed at all was limited to the missionary supply-service caravans, sent out every three years. The round trip took about a year and a half. Among supplies allotted were certain tools for carpenter work, such as: axes, adzes, saws, chisels, planes and nails. Even the nails were counted by number. In the eighteenth century there developed an annual trade caravan to attend the January fair at Chihuahua. A record of 1788 explains the impossibility of obtaining reports from New Mexico until the people came down to the January fair.

A report of the Vera Cruz consulate in 1804 shows the following trade of New Mexico:

Merchandise from Europe, to the value of ---\$	61,000
Merchandise from Asia, to the value of -----	7,000
Merchandise from America, to the value of ---	34,000
Horses and mules for Military Secretary, to account of settlers -----	10,000
Total -----	\$112,000

The above table is an indication that certain families of wealth did import products. All of the early American writers state that there were two distinct classes in New Mexico: the rich (ricos) and the poor (peasantry). The latter class far outnumbered the former, which "numbers as one hundred to one," according to Frank S. Edwards, a soldier under Doniphan in 1846.

Davis describes the industrial development in Santa Fé in the 1840's as follows. There were: one hotel, one printing office, two tailoring establishments, two shoe-makers, one apothecary, a bakery, and two blacksmith shops. According to Bloom, "by the census of 1827 there were only 36 men in New Mexico engaged in different professions, 18 of whom were school teachers, 17 were the religious, and the remaining one of the 36 was the presidial surgeon. In industries there were reported 1,237 artisans, 2,475 laborers, and 6,588 farmers, in a total population of 43,439. The Pueblo Indians worked in clay and wood, in leather and in fabrics. The commercial relations with Chihuahua and the postal service were all that kept New Mexico from complete isolation."

This whole situation has been well stated by Reuben Gold Thwaites in the introduction to one of his volumes on *Early Western Travels*: "Far to the Southwest lay the Spanish settlements of New Mexico, isolated islands of a sluggish civilization. Practically all of their imports were brought in by way of the Gulf of Mexico and Vera Cruz, thence traveling a difficult road of over fifteen hundred miles from the coast, making their cost almost prohibitive to the mixed race of Spaniards and Mexicans who dwelt in the valleys of the upper Rio Grande."

Description of Towns

These "isolated islands" were designated as villas, plazas, ranchos and haciendas. According to the list for handling the mails there were two villas, thirty plazas, four ranchos and one hacienda. Davis has spoken of Santa Fé as resembling a pile of kilns, and Pike describes it as follows: "Its appearance from a distance struck my mind with the same effect as a fleet of the flat-bottomed boats which are seen in the spring and fall seasons, descending the Ohio River." According to Gregg: "The only attempt at anything like architectural compactness and precision, consists of four tiers of *portales* or *corredores* of the rudest possible description. They stand around the public square."

Davis gives further architectural details: "The materials generally used for buildings are of the rudest possible description; consisting of unburnt bricks, about eighteen inches long by nine wide and four thick . . . The general plan of the dwellings is nearly the same everywhere . . . The wealthier classes have adopted the style of the Moorish castles. . . A tier of rooms on each side of a square, comprising as many as the convenience of the occupant may require, encompass an open patio or court, with but one door opening into the street . . . The roofs of the houses are all flat *azoteas* or terraces, being formed of a layer of earth two or three feet in thickness, and supported by stout joists or horizontal rafters . . . Wood buildings of any kind or shape are utterly unknown with the exception of an occasional picket hut in some of the ranchos and mining places . . . The houses of the villages and ranchos are rarely so spacious as those of the capital, yet their construction is much the same."

Woodwork and Furnishings

This general description of the layout of the towns and the appearance of the buildings gives us the setting in which the decorative and useful woodwork played its part. Davis speaks of the portals along the principal street as "an orna-

ment to the place," though rough in workmanship. Gregg describes the Palace portal as being fifteen feet wide and running the whole length of the building. Edwards, in describing the Palace which he calls a "long mud edifice one story high," speaks of this portal as a "portico formed by extending the roof some distance over the street, and supported by smooth trunks of trees." He says the three sides of the plaza (around which the portico extended) were devoted to "small shops for the accommodation of the traders."

The portal was one of the most important elements in the decorative effects of the architecture. The ceiling beams or vigas were made to protrude from the edge of the roof, and their long shadows in diagonal lines across the wall did much to break the monotony of the plainness of the adobe structure. This feature was copied from the pueblo Indians. The corbel or capital at the top of each pillar of the portal was the main enriching feature in the architectural decoration. It is a wooden capital, long and narrow, flat on the front and back sides that follow the grain and carved with a deep cut-out design on the ends, in a diagonal from the pillar to the architrave. This edge generally follows a "ball and step" pattern. According to a study by S. G. Morley, these corbels have special characteristics when used in ecclesiastical architecture, the style being generally a double corbel with more elaborate carving. The Historical Society has in its collection an original corbel of the old Palace, and one from the Pecos mission church.

Often in residences the portals were set into a center space of the front wall, between two corner rooms. They were sometimes used around cloistered courts and sometimes as upper balconies. There were occasional balustrades with carved wooden railings. Simple elaboration of window-trim occasionally was used. In almost every case the decorative feature is wood. It is interesting to compare the architecture of the Spanish colonists in Mexico with this. There the development was more in the direction of



THE MORLEY HOUSE AT SANTA FÉ



CHOIR LOFT OF THE CHURCH AT SANTA CRUZ, N. MEX.

metropolitan centers, and on a higher scale industrially. The architecture with its elaborate stone and tile and iron work and its extensive buildings, made a very pretentious contrast to the utter simplicity achieved in New Mexico, where structural devices carried only a few conventional embellishments. Probably nothing short of a decided isolation of this small colony could have produced such a complete, uniform lack of accessories.

Of the interior ceilings, Davis says: "They are never plastered but in those of the wealthier classes the beams that support the roof are planed and painted in various colors . . . In some sections of the country, small, round sticks are laid from beam to beam in herringbone style (which was learned from the pueblo Indians), and painted red, blue and green; but it is only a choice room that is ornamented in this manner." Most of the wooden structures of the period were not painted. "The Mexican houses", says Edwards, "although very uncomfortable-looking from the outside, are, generally, by no means so within, for being well white-washed there, they look clean, and are at all times cool."

Lack of tools and mechanics led the people, even the wealthy, to get along with very little furniture. Davis says that although there were American mechanics by 1840, but few of the people adopted our style of furniture. Every article of this description sold at a price enormously high, and ordinary pine furniture cost more than that of mahogany in the United States. He describes the interior of the home of Governor Armijo, the last Mexican governor before the American conquest of 1846:

"The room exhibited a singular mixture of modern elegance and barbaric taste. In one corner stood an elegant, canopied brass bedstead, after the most approved Parisian style, while in close proximity was another clumsily made of pine and painted a dirty red; heavy wooden benches seemed misplaced beside velvet covered chairs and a beautiful Turkey carpet; and the time-stained wooden

beams that supported the roof were reflected in twenty gilded mirrors that were hung around the room."

He describes his overnight quarters at a wealthy home: "The apartment was a plain one. A single bed stood in one corner, and several mattresses were rolled up along the walls for seats; a rough pine table and bench stood at the foot of the bed, and the earthen floor was without carpet or rug. Along the south front of the building extends a portal overlooking a large garden and vineyard, affording a fine view of the valley and the river." His description of a poor class residence shows the condition of the masses: "It was a small and comfortable affair with one door and one window, and before the latter dangled a dirty rag instead of glass. The floor was the hard, damp earth and the furniture consisted of a small pine table, a rude bench, and two mattresses; the ornaments were a couple of family saints, a small piece of looking glass set in tin, and a few paper rosettes stuck upon the wall."

The structure of the wooden furnishings is interesting. The boards were cut with axes. In many cases it was impossible to secure even a hand-wrought nail. Therefore the art of pegging, dovetailing and mortising was practiced. The chest was the most important and most generally used piece of furniture. Elaborate chests, many with leather-work decorations, were imported by the ricos. Styles of chests made in New Mexico are the carved chest with front panels; the uncarved chest, painted or decorated with tiny strips of straw; and the carved chest on legs, with generally two front panels. Sides are mortised or dovetailed together, bottoms are fastened on with wooden pegs, covers are generally attached with iron hinges and fastened by iron locks, the iron work being hand-wrought.

Before the American occupation beds were scarcely in use at all. It is a question whether there were any with bedsteads in the Spanish period. Davis mentions that bedsteads were almost unknown. There were a few early beds which amounted to a mere frame for a mattress. Four

sticks of pine forming an oblong were fastened at the corners with wooden pins, grooved on the inside to hold cross planks, and held up by legs of a conventional type which were fastened on with a mortise.

The table was made in various styles, but the general plan was an uncarved top, round or square, on four straight legs with decorated cross pieces between the legs. The average height was twenty inches. Tables often had drawers with dovetailed sides and with a decorated front. The top was fastened on with a hole and wooden pin.

The chairs were small, made with four plain, straight legs; decorated side props to the back; and carved boards across the back, mortised to the side pieces and set with spaces between them. The seat often flared towards the front, and handles, if any, were generally cut s-shaped. There were straight benches of similar style.

Other examples of interior wood were the carved cupboard doors, made in pairs, and swung on wooden pegs as were nearly all doors and windows; carved frames or niches for *santos* and other simple varieties of shelves; and such unusual candlesticks as a pair in our collection set with strips of straw and having a peg to hold the candle. Carved wooden valances with cut-out edge were sometimes placed over the windows.

It is not surprising that even the wealthy used so little furniture and the humbler classes practically none. Even knives and forks were generally dispensed with, and the tortilla was often substituted for the spoon.

Though the furniture was difficult to make, every article had its bit of carving. Throughout the design found in the accumulated articles of collectors is seen a common influence making a distinct folk-art. The main influence, of course, was that of the sixteenth century of Spain, the inheritance of these people, who had no other point of contact with the outside world. The fact that Indian designs were used on such different media kept them from having a noticeable influence on wood-carving. A very few motifs

cover the range of the wood-carving designs. These are: the two types of spindle,—the spool type made with a foot-lathe and the flat zig-zag spindle; the half-curve incised with a chisel combined with a series of short carved grooves; the series of triangular niches; the step-back, considered by some to show Indian influence; the scalloped-edged medallion; animals and coats of arms in exceptional cases; and the geometric cut-out, appearing on the edge or the interior of a carved board. This was often used in the graceful, mantel-like structure placed over a fire-place to hold several santos. Every fireplace had a shelf for such a structure.

The santos represent one of the especially unique uses of wood by these colonists. They are carved wooden statues or boards painted with pictures to represent the saints or blessed beings, being a form of religious art in Spain when the ancestors of these colonists left there. Tanned skins were sometimes used, as well as wood, for the paintings, but not so commonly. The santos were used as objects of worship in every home as well as in the churches. There were traveling santo artists, but much of this work was done by the settlers for their own use. The wood-carving is anything but expert in many cases, and the faces often appear weird and grotesque due to the lack of skill of the artist. The better *retablos* (boards) show the influence of the sixteenth century folk-art of Spain, including the Byzantine influence of this Spanish art. The *retablos* were quite roughly cut, and the work of crude tools is especially noticeable on the backs where the surface was not so carefully smoothed. This wood, naturally pine, was treated with a calcined gypsum mixed with glue-water, before the paint, of an unknown material, was applied. Plaster was sometimes applied for detail in the relief work, both on the *bultos* and *retablos*. On the *bultos*, leather was sometimes used for draperies, treated so as to become stiff. A later custom was to dress the *bultos* with doll's clothes. The continuance of the santo art for two centuries in its pure strain, unin-

fluenced by outside elements as it was in Spain, is one of the most important contributions of the isolated Spanish colony of New Mexico.

Churches

Large polyptics of santos painted on pine, with an elaborately carved frame outline, made the altar decoration in the churches. An effect of spirally carved poles generally made the sides of the frame. Balustrades in front of the altar had carved railings, as well as the railings of the back gallery balustrade. The pulpit was carved, sometimes having a huge, spiral leg. Church vigas and doors were decoratively carved. Pine was generally used for the interior woodwork. Doors were occasionally of cottonwood. The meagerness of material and the naïve style of its decoration which was mainly woodcarving, have effected a unique charm in these structures with their accidental, flowing lines of adobe mortar, their massive buttresses and simple belfries.

Agricultural Implements

With regard to agricultural implements, this period of New Mexico development might be called the wooden age. Plows, hoes, spades, shovels and pitch-forks were often made entirely of wood. Their construction was very crude as, many times, the hatchet known as the "squaw-axe" was the only tool of the worker in wood: "a cart or a plough is often manufactured without an auger, a chisel or a drawing knife." (Gregg in 1843.)

Davis gives the following: "Until within a few years all of their agricultural implements were wooden, and the use of iron for this purpose was hardly known. At the present day [1856] many of the peasantry cultivate with the hoe only, and plows are alone seen among the larger proprietors."

Davis quotes from a description he found, the author of which he fails to name: "The Mexican plow is an implement

of a very primitive pattern, such as perhaps was used by Cincinnatus or Cato; in fact, it is probably a ruder instrument than the plow used by these great ancients. It is not seldom the swell crotch or knee timber of a tree, one branch of which serves as the body or beam of the plow, and the other as the handle, or still more frequently, it is made of two sticks of timber. The body is beveled at the point, which is shod with a piece of sharp iron, which answers for a share. It has also, mortised into its upper surface about midway of its length, an upright shaft, called a *tranca*, which plays vertically through the plow-beam. This beam which is a ponderous piece of timber not unlike a wagon-tongue, is fastened to the plow at the junction of the handle with the body, and being raised or lowered at pleasure on the *tranca*, serves to regulate the dip of the share-point. To this beam is attached a yoke of oxen, no other plow-beast being known here."

Davis goes on to say: "The above implement is in general use where the hoe has been laid aside, except with the wealthy proprietors who have purchased more modern plows from the United States, but not of the latest pattern. In some instances as many as twelve or fifteen of these homely affairs, drawn by as many yoke of oxen, will be in use at a single time in a single field. Two men are required to each plow, one to hold up the handle and guide the machine, while the other is employed in goading up the oxen with a long pole shod with a piece of sharp iron. Such is plowing in New Mexico."

Gregg mentions plows made "exclusively of wood, without one particle of iron, or even a nail to increase their durability." This is the type we have in our collection. The handle is of pine, the share is of piñon, and the tongue is of Douglas fir, showing the selective use of wood.

Other Devices

Gregg speaks of the *carreta* as follows: "Wagons of Mexican manufacture are not to be found; although a num-

ber of American-built vehicles, or those introduced by the trading caravans, have grown into use among the people. Nothing is more calculated to attract the curiosity of the strangers than the unwieldy carretas or carts of domestic construction, the massive wheels of which are generally hewed of large cottonwood. This, however, being rarely of sufficient size to form the usual diameter, which is about five feet, an additional segment or felloe is pinned upon each edge, when the whole is fashioned into an irregular circle. A crude pine or cottonwood pole serves for the axle tree, upon which is tied a rough frame of the material for a body. In the construction of these carretas the use of iron, is, for the most part, wholly dispensed with . . . Rough and uncouth as these carretas always are, they constitute nevertheless the pleasure carriages of the rancheros, whose families are conveyed in them to the towns, whether to market or to fiesta, or on other joyful occasions." Davis mentions another kind of wheel, made of a section of a large cottonwood tree, with a hole through the center for the axle. We have sets of both these types of wheels in our collection. Davis also says: "Among the ricos there are a few old-fashioned Spanish carriages, cumbrous and uncouth vehicles, which are drawn by four or six mules with outriders and postillions."

Of the ox yoke, he says, "It is in keeping with the vehicle, and consists of a straight piece of wood laid across the head of the oxen, behind the horns, lashed fast with rawhide, and is secured to the tongue in the same manner." There is one of these yokes in our collection. Two triangles are cut in the edge to fit across the heads of the oxen. There is a narrow groove through the center which has been worn shiny by the leather strap which fastened it to the shaft, and there are a few simple groovings along the edge to add grace to the shape. It is made of pine. We also have an ox yoke which shows the American influence, having bows for the necks of the oxen. One of the bows is American factory-made and an iron pin with the ring by which it is

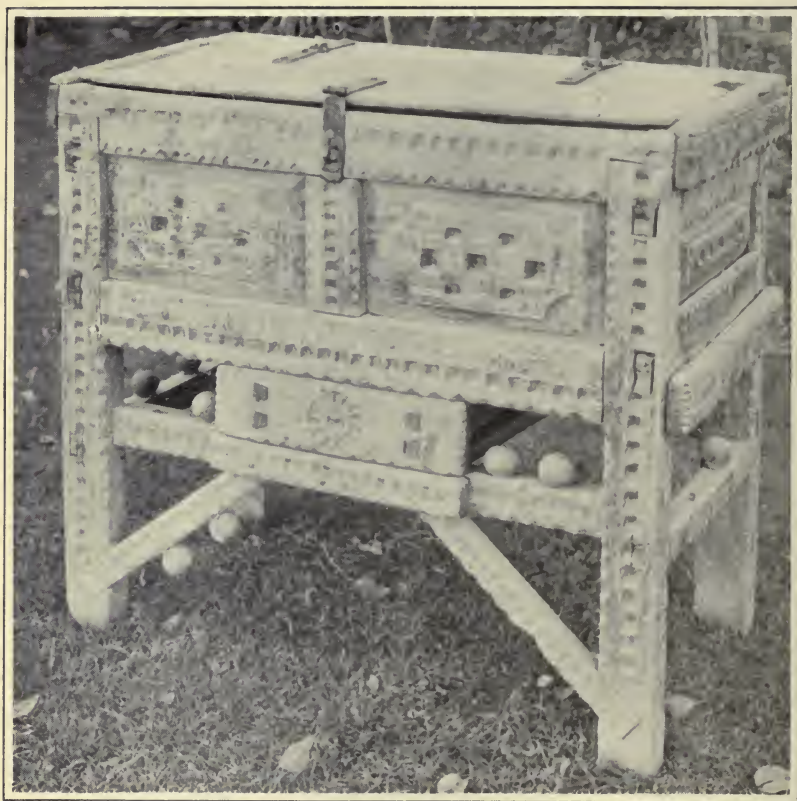
fastened to the shaft is American factory-made. The yoke is of piñon wood.

Another special apparatus was the spinning-wheel, of which the society has two examples, both of which were made without nails, and one of which is of hewed boards. This resembles a saw-horse built higher at the back. In front is a place for the wheel, and in back, one for holding the spindle. One is made entirely of pine; the other has piñon forks for support or legs. The wheel is made with wooden spokes around a wooden hub, which is mortised for each spoke. The hub is bound tight with a raw-hide thong to keep the wood from splitting. The thin pine of the circumference of the wheel, we are told, has been boiled in water to make it bend. The ends have been sewed together with a leather thong. So far, no one consulted claims to have seen such a spinning-wheel in use, nor is there a description of it by the early writers studied, though they have spoken of the weaving for blankets and clothing and carpets. Gregg says, "The domestic textures are nearly all wool . . . The manufacture of these articles is greatly embarrassed for want of good spinning and weaving machinery." Davis says, "Much of the spinning is done on the *huso* or *malacate* (the whirligig spindle), which is kept whirling in a bowl with fingers while the thread is drawn."

Our collection includes a weaver's comb, which is made up of two parallel slim sticks about a yard long between which is a row of reeds placed close together like the teeth of a comb. The reeds are tied to the parallel sticks by woolen thread. The comb's use is to separate the threads of the loom through which the shuttle is to be thrown. The parallel sticks are of juniper, and the small sticks which form the the ends of the rectangle are of "*paro duro*," the popular name for a local brush which grows stout and straight, making it useful where thin strength is needed. Other weaving appliances in the collection are some boat-shaped piñon shuttles, about a foot in length, and a set of factory-made carders, which indicate a step in the transition towards the



ALTAR OF THE CHURCH AT LAGUNA PUEBLO



HANDCARVED CHEST, FROM RANCHOS DE TAOS

“machine age.” Now, weaving continues but the descendants of the Spanish settlers use manufactured yarn.

In the collection is a blacksmith's bellows, made of pine, oak, and cottonwood. Three boards, four feet long, placed parallel and flat, one above the other, form the front floor of the frame. Between the two top boards, extending backward, two short boards made the sides of the floor of the frame. Mortised to the back of these are two upright boards, standing three and a half feet high. Wedged into the top of these, by wedges cut as deep as the width of the board is a cross-piece that makes the top of the back of the frame. Into this are fastened the circular ends of two cylindrical pieces of leather, extending forward, inside of which is a series of wooden hoops. This leather is attached by hand-wrought iron nails. A disk of wood covers the front of each of these cylinders, which are held up by wooden stays. Through these disks and stays at front and back is a hole about three inches in diameter, making an air passage through the cylinders. Behind this hole in the front stays, inside the leather cylinder, hangs a loose sheet of leather, a device for retarding the current of air, when pumped. Extending backward from the rear holes is a metal funnel, which doubtless has replaced an original leather funnel. At the base of each of the front stays is a narrow piece of wood, grooved to fit the bottom of the stay. This grooved board is shaped so that it could be tied to the base-boards by a leather thong. The main frame is of pine, and the stays of oaks are fitted into a piece of cottonwood, as cottonwood is soft and yet is not inclined to be cut away by the friction of the stays rocking against it.

Of the two wooden bread-trays in the collection, one is 46 inches long by 20 inches wide. It is cut from one block of wood, a large trough being dug out of the center and the ends being cut into a thin board which is used as a table on which to shape the loaf. The other is shorter without these ends. The wood used in both is pine.

A cheese press is made like a small table, about a foot square, with four legs mortised to the top which slopes toward the front. The top is dug out below a narrow frame so they will not run off, and a small trough is cut in the front edge. Cheese was made of goat's milk and was very popular among the settlers. The press is of pine.

Gregg mentions that stirrups were usually made of bent or mortised wood, fancifully carved. Over the stirrups were fastened the *tapaderos* or coverings of leather to protect the toes,—and formerly the stirrups had constituted a complete slipper, mortised in a solid block of wood, which superseded the use of *tapaderos*. In our exhibit we have a carved slipper of this description and three other rather elaborately carved stirrups. According to Pedro Lemos of Stanford University, these show a Moorish influence. They were imported, as the wood is not native.

The violin of pine and the guitar of aspen have been made along the simplest lines possible. The bridge of the violin is missing. The bridge of the guitar is fastened with pegs and thongs. The keys of the guitar come through holes from back to front. At the front they are split to hold the strings. Those of the violin are set through sidewise, and appear to have had the strings wound around the center which is exposed in a hollowed place in the neck.

Wood had uses in connection with mining. It was used as a framework in the interior of the mines and as fuel in the smelters. Gregg mentions the cutting of notches in a pole or series of poles for entering the deeper mine shafts. He also says: "A round wooden bowl called *batea*, about eighteen inches in diameter, is the washing vessel, which they fill with the earth, and then immerse in the pool, and stir it with their hands."

Wood was important for river crossings, although even the Rio Grande could be forded in most places, most of the time. Study of the Spanish archive records has revealed mention of two bridges before 1800, one of which was built at El Paso. Logs for this bridge were floated down the Rio

Grande from Taos, New Mexico, approximately 400 miles. It was easier to transport lumber by floating it from so great a distance than to haul it a few miles. Raft or canoe services were also established as ferries.

Of fences, we learn from Gregg: "The *labores* and *milpas* (cultivated fields) are often, indeed most usually, without any enclosure . . . Only a chance farm is seen fenced with poles, scattered along on forks, or a loose hedge of brush. Mud-fences or walls of very large adobes are also occasionally to be met with."

Wood for fuel was carried on the backs of burros, in an arrangement of three separately tied bundles making an effect of one big circle over the creature's back. Distances from forest to village sometimes required over a day's journey.

It was not until after the American occupation and, more strictly, after the coming of the railroad, that there was any noticeable change towards the use of modern appliances and structures. Among the peasants today, many of the old uses and customs persist.

To summarize, we find that wood was to these colonists a most important resource for a wide range of personal needs. Each structure is a study in inventiveness. Wood of limited varieties had to be used as a substitute for better materials. Carpenters among the colonizers made use of their knowledge of structure and design in Spain and applied the wood found in New Mexico as adequately as they could. Indian influence was slight, and there was no contact with other cultures until the American period. Manufacture was handicapped by scarcity of tools and among the colonists there were few artists of special ability. Utility was the objective; decorative attempts were not pretentious; accidental beauty was a general result.

NECROLOGY

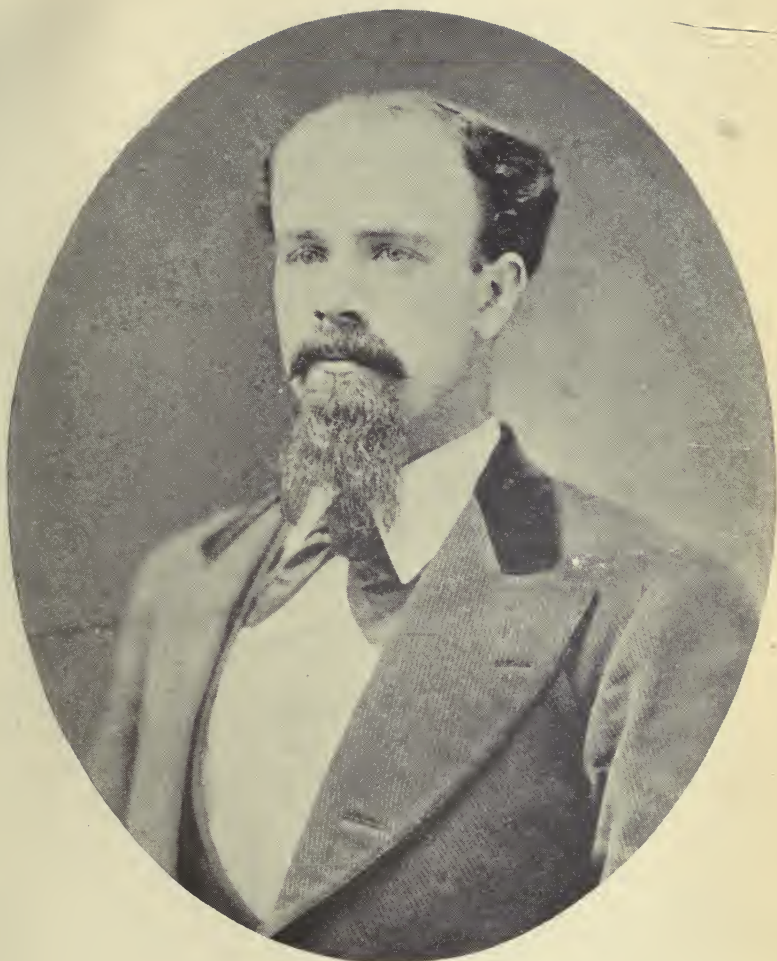
JOHN P. CLUM

By PAUL A. F. WALTER

ON MAY 2, 1932, a little after nine o'clock in the morning, John P. Clum, Southwestern pioneer, returned to his house after a walk in his garden at Los Angeles, and passed in death from heart failure. It was in 1870 that he had established for the United States, the weather bureau at Santa Fé, New Mexico, where prior to his arrival, meteorological observations were made and records kept by the military forces. It seems a strange coincidence that Charles E. Linney, in charge of the bureau for many years, died in Santa Fé a few hours after Clum had died in Los Angeles; and not many weeks thereafter, Major H. B. Hersey, weather bureau head at Los Angeles but who had also helped to make history in Santa Fé, passed over the Great Divide.

John P. Clum had won for himself a conspicuous place in the history of the Southwest while U. S. Indian agent at San Carlos, Arizona. He himself told the story at length in Volumes III, IV, V and VI (1928, 1929, 1930 and 1931) of the *NEW MEXICO HISTORICAL REVIEW*, a lively and first-hand contribution to the history and knowledge of the days when Geronimo and his band of Apaches took to the war path.

John P. Clum was born on a farm near Claverack, New York, in 1850. Brought up in the Dutch Reformed Church by devout parents he was sent to Rutgers College, an institution of that church at New Brunswick, N. J., where he became noted for his prowess in athletics, to which no doubt he owed much of the physical sturdiness which characterized him even on a recent visit to his old haunts in Santa Fé. He studied for the ministry but had to give up college when he developed inflammatory rheumatism and upon the advice of a physician sought the dry and sunny climate of Santa



THE LATE JOHN P. CLUM
IN THE SEVENTIES

Fé. It was in 1869, while at college, that he witnessed the first inter-collegiate football game which had ever taken place in the United States, a game between Rutgers and Princeton. The following year he made the team and played in the second and only inter-collegiate game of that year, that between Rutgers and Princeton. The following spring he was on the rowing team.

Quoting from a biographical sketch which appeared in the *Los Angeles Times* and which was sent by his son:

Clum went to Santa Fé as a government meteorological observer. In those days the government passed Indian agency appointments around to different religious denominations and in 1874, as a Dutch Reformed Church member, he took a position as Apache agent on the San Carlos Reservation in New Mexico.

It was in the beginning of the Apache outbreaks of the 70's. The first thing he did was to order the soldiers to withdraw to five miles from the reservation. He set up a police and judge system among the Apaches and governed eventually 5,000 of them. When Geronimo broke off the reservation Clum and a band of Apache police captured the chief, took him back to the reservation in handcuffs and jailed him. The renegade later was released by a successor, with bloody results.

At one time the army sought to count the Indians and issued an arbitrary order which found not only the Apaches defying it, but Clum also threatening to fight with them against the army. He and the Indians won the dispute.

Clum left the agency in 1877 after three years of service. So great was the esteem in which he was held by the Apaches that when one of them sought to kill him because of a grudge, the brother of the grudge-bearer himself shot down the belligerent one.

It was under his direction that several groups of Indians were assembled in peace on the reservation, despite the savageness of the Apaches. It was a company of about sixty of his Apache police who constituted Arizona's first State Militia and, under his direction, protected the whites against their redskin brothers.

Clum's reports to the Indian Bureau and subsequent writings constitute some of the most important historical and informative papers of the old West. He once led a

group of Apaches to Washington to protest to the President against certain things that were being required of them. It was the first such delegation to Washington.

In 1881 he went to Tombstone and became its first Mayor. One time in his room he heard an unusual amount of shooting and on getting into the street saw the bodies of the three dead after the Clantons had shot it out with the Earps.

It was while there that he founded *The Epitaph*, Tombstone's first newspaper. It exists to this day. Later he went to Tucson, where he founded *The Citizen*, Arizona's first daily.

Clum was chief of the division postal inspectors in Alaska in 1898. He was with one of the famous bands that tramped from Dyea to Dawson through dread Chilkoot Pass in the Klondike gold rush.

A little more than a year ago he went back to San Carlos Reservation from his home of retirement and indulged in a pathetic reunion with some of his Apache scouts of the '70's. Some of them traveled for miles to see him. It was their last meeting. . .

Frontiersmen, Indian fighters and pioneers of the great Southwest—heroes of Apache uprisings and survivors of Arizona six-gun days when Tombstone was a real Helderado—gathered to pay final tribute to John P. Clum, paleface friend of Apache warriors, whose death brought to an end the colorful career of one of the most famous figures in the early history of Arizona and the border country.

The funeral oration, a eulogy to the deceased and a historical picture of frontier days now living only in memory, was delivered by Dr. R. C. Brooks, director of religious education at Claremont College and a lifelong friend of Mr. Clum. Private burial was in Forest Lawn Memorial Park.

Old friends of John Clum were among the mourners. Maj. Charles T. Connell, who was acting chief of scouts in 1880 when Clum was Apache Indian agent on the San Carlos reservation; Anton Mazzanovich of the Sixth United States Cavalry in Arizona and hero of the Skeleton Canyon massacre; Charles J. McElroy of Phoenix, a Clum aide when the pioneer was Mayor of Tombstone, and George K. French, early Arizona army officer, who knew Clum as the "Apache's friend," all were present. Scores of others were there—faces bronzed by pitiless suns, but eyes undimmed as they looked back at the colorful past.

And the regret of all, as they mourned the passing of their old friend, was that the old West, too, is passing. The frontier town of San Carlos, trading post on the Indian reservation where Clum and his comrades lived and fought in the early eighties, now lies buried beneath 125 feet of Gila River water in the lake impounded by Arizona's great Coolidge Dam. Tombstone is only a wide place in the road, which comes to life once each year in a revival of Heldorado days.

Mr. Clum had resided in Los Angeles for the past fifteen years. He came to California first in 1884.

He leaves his widow, a daughter, Mrs. Peter Vachon of Santa Monica; a son, Woodworth, and three brothers, George of Las Cruces, N. M.; Alfred of Cleveland, O., and Cornelius of Kensington, Md. The family residence is in 1958 West Seventy-fourth street.

Governor Hunt of Arizona, a close personal friend of Mr. Clum, paid tribute to the late pioneer in a letter to Mrs. Clum:

"John P. Clum is one of our pioneers to whom the people of Arizona owe a great debt of gratitude. He served with great intelligence and judgment. He had the courage of his convictions.

"It is my sincere belief that, had his policies been followed in dealing with our Indian tribes, much of the warfare and bloodshed between the white citizens and the Indians might have been avoided.

"I think it very unfortunate that he did not receive the unreserved support of Washington in those strenuous days."

Honorary pallbearers included Governor Hunt of Arizona, President Shantz and Dean Lockwood of the University of Arizona, Superintendent Kitch of San Carlos Reservation, ex-Postmaster-General Hitchcock and R. C. Brown of Tucson, Leslie Gregory of Phoenix, Major-General C. D. Rhodes of the United States Army, J. W. Erwin of San Francisco, Harry Carr, Charles T. Connell, Fred J. Dodge, William Hattick, Hazen Hunkins, Dr. George J. Lund, Dr. A. F. Maisch, Charles Matthews, George W. Parsons, Donald S. Poler, M. H. Sherman, Dr. C. G. Toland and Williard F. Yeo, all of Los Angeles.

Harry Carr, the noted writer and a personal friend of Clum, paid the following tribute in the *Los Angeles Times*:

“The death of John P. Clum takes one of the last of the great old western pioneers. To the last of his eighty-odd years Mr. Clum was keen, merry-hearted—alert.

“There are very few men who have known the West as he has known it.

“He came to Arizona as a graduate divinity student, having played for Rutgers in one of the first inter-collegiate football games ever held.

“In Arizona he became the first agent of the blood-thirsty San Carlos Apaches; organized the first company of Apache scouts to serve in the United States Army; was the first Mayor of Tombstone, founded the *Tombstone Epitaph* and the *Tucson Citizen*.

“The wildest Apaches adored Clum. A year ago I went on a long automobile trip with him through Arizona—visiting his old scouts; we all knew that this would be their last meeting . . .

“The men who made the West are fast going, and no one that I know of did more to make the West than John P. Clum.”

The Historical Society of New Mexico

(INCORPORATED)

Organized December 26, 1859

PAST PRESIDENTS

- 1859 — COL. JOHN B. GRAYSON, U. S. A.
1861 — MAJ. JAMES L. DONALDSON, U. S. A.
1863 — HON. KIRBY BENEDICT
adjourned sine die, Sept. 23, 1863
re-established Dec. 27, 1880
1881 — HON. WILLIAM G. RITCH
1883 — HON. L. BRADFORD PRINCE
1923 — HON. FRANK W. CLANCY
1925 — COL. RALPH E. TWITCHELL
1926 — PAUL A. F. WALTER

OFFICERS FOR 1932-1933

- PAUL A. F. WALTER, *President*
FRANCIS T. CHEETHAM, *Vice-President*
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- | | |
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| CHARLES W. HACKETT | ALFRED B. THOMAS |
| GEORGE P. HAMMOND | PAUL A. F. WALTER |

CONSTITUTION

OF THE

HISTORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 19, 1929)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, two vice-presidents, a corresponding secretary and treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors shall have been elected and qualified.

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be \$3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review*.

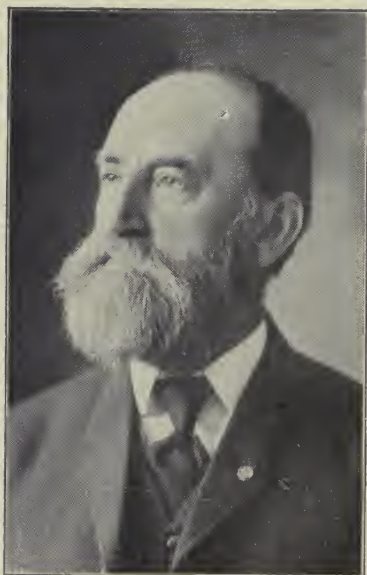
Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Mr. Lansing B. Bloom, Santa Fe, N. Mex.



LE BARON BRADFORD PRINCE
(See page 370)

NEW MEXICO HISTORICAL REVIEW

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BULLWHACKING: A PROSAIC PROFESSION PECULIAR TO THE GREAT PLAINS

By WALKER D. WYMAN

TRANSPORTATION and communication have been basic problems of every society. Each geographic province evolves a distinct type of travel to overcome its isolation. This is particularly true of frontier societies which are so dependent upon the old civilization from which they have emerged. As this new dependent society becomes more complex and "civilized," the organs of transportation are consequently affected; communicative tools are better fitted to the environment; and, in some cases, the type of animal used for motive power responds to the demands of climate, soil, and needs of the isolated society.

Thus the French fur trader borrowed the idea of the canoe from the Indian, improved upon it, and as the task of moving furs to the seaport became a business, he developed, or himself became a *voyageur*. The necessity of communication between the Trans-Allegheny region and the older society brought into existence a national road system; the Conestoga wagon encouraged the breeding of heavy horses and made famous the professional wagoner with his long whip and "stogy" cigar. These same environments produced other implements of transportation to meet the demands of the changing society—the stage coach, the river steamer, the canal barge, and the railroad.

The Great Plains, that arid and treeless region lying between the Missouri River and the Rocky Mountains, long

served as a natural limit to the orderly advancement of population. But beginning in the 1840's, and continuing for three decades, spurts of immigration began to jump the gap, and to deposit itself far from the social groupings from which it had emerged. These pools of Anglo-American culture, settled amid an Indian or Spanish civilization, were reliant upon the old society for much of its food and all of its comforts of life. The wagon train served as the artery making the connection. The trail, formerly the path of least resistance between two points used by Indians and buffalo, became the thoroughfare over which ran the new or improved implements of transportation.

The connection between the Spanish Southwest and Anglo-America was established early in the century for the benefit of casual traders. It was in the 1850's and 1860's that the necessities of supplying that area with the products of Anglo-America in exchange for products indigenous to the region, that the great business of freighting, affected the type of travel. The old Pittsburgh or Conestoga wagon came out in the newer and bigger edition. The wagoner of the Old National Road became a member of a trained personnel used to take a wagon train across the plains—but the latter was a descendant of the former just the same, a professionalized man in a democratic west, the product of his environment.

The Santa Fé Trail, that line of travel which bridged the gap between the Missouri River towns and the Southwest, was the longest and greatest freighting route west of the Missouri. Hence on its broad bed, freighting life and influence were typical of those of the great plains.¹ On it the transforming effects of that peculiar environment may best be seen.

The prairie schooner, or "ox telegraph," of the Santa Fé Trail grew in size since its humble beginnings back in

1. Louis Pelzer has briefly discussed ox-team freighting of the Great Plains in his paper "Trails of the Trans-Mississippi Cattle Frontier," published in *The Trans-Mississippi West* (edited by James F. Willard and Colin B. Goodykoontz, Boulder, Colorado, 1930), pp. 139-142.

Pennsylvania several decades before.² It now weighed 4,000 pounds and had a tongue thirteen feet long. The hind wheel alone tipped the scales at 300 pounds, being sixty-four inches in diameter. The tire was four inches through and the hub was eighteen inches deep and twelve inches through. The spokes were once compared, back before the age of fold-away sleeping quarters, to a middle-sized bed post. A great number of the wagons had wooden axles (with an extra along to use in case of an emergency in the timberless area, and the wheels were held in place by a linch pin. Rosin and tallow served to lessen the friction on the axles, but the creaking of a heavily-loaded caravan, sounding to high heaven, gave ample testimony of the need of Standard Oil products.

The wagon box of the schooner was three feet wide, twelve feet long at the bottom and sixteen feet at the top. This made the bed resemble a boat, long since made famous to symbolize the westward movement of the immigrant, but in reality limited to the freighter. The colors often seen on the Cumberland Road carried over, and were used on this Plains wagon: blue bed, and covered by white Osna-burg canvas. An ordinary man could stand on the bed without bending. When loaded to capacity, and they usually were, for freighting was done by the pound, three tons of merchandise could be tucked away under the canvas.

The government wagons differed slightly from the regular freighter's wagon. The blue body was paneled, and often iron axles made them safer in crossing streams. The ends of the bed were straight instead of flaring. However, neither of the two types of wagon had brake or lock. The animals nearest the wheels functioned as a slow moving and patient hindrance as the wagons rolled down hill or grade.

2. For descriptions of the Conestoga wagon see Seymour Dunbar, *History of American Travel* (Indianapolis, Indiana, 1915), Vol. I, pp. 201-203, and Vol. II, p. 227; Bryan Hamilton, "The Conestoga Wagon," *Proceedings of the New Jersey Historical Society*, Vol. XIV, pp. 405-411; and John Omwake, *The Conestoga Six-Horse Bell Teams of Eastern Pennsylvania* (Cincinnati, Ohio, 1930), *passim*. References to this wagon are quite numerous.

A chain was kept on the side of the box to use in locking the wheels completely.

The business of manufacturing heavy freighting wagons was slow in coming to the frontier. Long before individual blacksmiths of the Missouri River towns had produced a wagon other than for the immigrants, the Studebaker firm of South Bend, Indiana, companies in far-away Pittsburgh, and Murphy and Espenshied, as well as others, in St. Louis, supplied the demands for the great wagon at about \$200 a piece.³

The ox yoke, bows and rings, chains, and water kegs (but not always for water) were ordinarily supplied at an additional cost of some \$25. These demands soon brought a bevy of blacksmiths and wagon doctors to the terminals or along the way, resembling service stations and garages of a more mobile machine age. Six, eight, or ten oxen—more in difficult places—furnished the horsepower for the private freighter. The government, however, usually used the animal that had made one of our states famous. Horses were seldom, if ever, used. The oxen were believed to have greater stamina than mules, being able to recover more quickly after the long trip across the Plains, and they could feed with relish on all kinds of weeds or grass. Wet weather and sand did great injury to their hooves; but shoes without calks, and pads for the broken spots, often made of hat brim, enabled them to keep going.⁴ Extra animals usually followed the train, serving as a supply of fresh oxen but also as a bait for thieving Indians.

The driver of an ox team was the bullwhacker. He was in charge of one wagon, walking on the left side of the animals—a one-wagon conductor who seldom if ever rode. These men were recruited from the areas at both ends of the trail. They were offered a life of adventure and freedom from the restraints of an old society. Young men

3. *State Record* (Topeka, Kansas), October 13, 1860, quoting the *Missouri Republican*.

4. E. Blair, *History of Johnson County, Kansas* (Lawrence, 1915), p. 67, quoting William Johnson, a bullwhacker.

considered their education incomplete unless they had spent a season on the Plains. One old freighter believed that habits learned while bullwhacking produced the frontier bully and border ruffian.⁵ This character usually wore a "ragged flannel shirt, pair of buckskin 'jeans', or store pants, with pockets made or breaking out almost anywhere, pair of brogans, and old hat and whip."⁶ This outfit was almost as standardized as the uniform of the soldier.

The bullwhacker's whip was an institution in itself. It weighed five and one-half pounds. The stock of tough ash or pecan sapling had a lash of undressed rawhide nearly two inches in diameter and about ten feet long, ending in a thong of buckskin. "To wield this required all of the strength of a man's groins." But it was seldom used to flay an ox, but was cracked with "a flourish and a smart jerk. You could hear a sound like a pistol shot, and see a mist of blood and hair start where the cruel thong had cut like a bullet" into the hide of some recalcitrant ox.⁷ The driver was proud of his whip and of his ability to use it. It was a sign of membership in the bullwhacker's fraternity, and it gave the democratic prairie man an opportunity to be aristocratic and excel those of lesser training and ability in his own group.

Mexican traders, and also some Americans, employed native Mexicans as teamsters. These drivers covered their swarthy skins with the distinctive dirty buckskin and flannel, and perhaps, to people of the Missouri ports, resembled the deck hands on the many steamers which landed goods at the levee.

During the Mexican War the government used volunteers, who arrived too late to be mustered into the Army of the West, as teamsters. Regular soldiers were employed in

5. *Transactions of the Kansas State Historical Society*, Vol. XI, pp. 456-463, "The Santa Fé Trail in Johnson County, Kansas." This is a speech given at the Santa Fé Trail marker at Lone Elm, November 9, 1906.

6. *Freeman's Champion* (Prairie City, Kansas), June 24, 1858.

7. J. Evans Green, *The Santa Fe Trade, Its Route and Character* (Worcester, Massachusetts, 1893), pp. 15, 16.

that capacity in cases of emergency (of which there were many). In 1850 the secretary of war complained that such a system of employing teamsters gave rise to intolerable conditions, for besides "not being subject to the restraints of military discipline [he said] they are sometimes very turbulent and ungovernable."⁸ One year later the secretary said that the teamsters were employed at "enormous wages." It would be better, he said, if the government would increase the number of privates in a company to one hundred, increase the salaries, and detail them as teamsters when needed.⁹ The quartermaster kindly advised that soldiers employed as teamsters be allowed thirty cents extra per day instead of the fifteen cents and "commutation for whiskey ration" as before.¹⁰ As late as 1860, the secretary of war made the charge against the teamsters of exacting exorbitant wages when possible. But the powers of government seem never to have heard his call.¹¹

In 1860 bullwhackers on American freighters were paid from \$25 to \$30 per month. This included board. Their Mexican colleagues valued their services at \$15 for the same period of time. Wagon masters, the conductors of the train over the trail, had the salary of a capitalist in comparison to that of the lowly bullwhacker, for they often drew as much as \$100 per month.¹²

Food was a matter of prime importance on a wagon train long before the miracle of refrigeration was dreamed of. Each train carried a supply to last during the trip across the Plains. This was supplemented by occasional hunting forays. Each man was allowed 50 pounds of bacon, 10 pounds of coffee, 50 pounds of flour, 20 pounds of sugar, and some salt for the 800 mile drive of one month or more. Long strings of jerked buffalo meat usually graced the

8. *Senate Documents*, 31st Congress, 2nd Session, Vol. I, Part 2, No. 1, p. 8, Serial no. 587.

9. *Ibid.*, 32nd Congress, 1st Session, Vol. I, No. 1, p. 112, Serial no. 611.

10. *Ibid.*, Vol. II, No. 1, p. 73, Serial no. 659.

11. *Ibid.*, 36th Congress, 1st Session, Vol. II, Part 2, No. 2, p. 6, Serial no. 1024.

12. *State Record*, October 13, 1860.

sides of the wagons while carcasses of buffalo along the Old Trail gave evidence that some bullwhacker had had fresh tongue for supper. In the later days of freighting cows were sometimes driven along for the fresh meat and the milk.¹³ Trading posts which sprang up along the way kept a goodly supply of liquor to replenish the keg.

The Mexicans subsisted on unbolted flour and dried buffalo meat. When a herd of buffaloes crossed their path often camp was made and the larder filled. The meat was cut in strips and suspended on ropes from the corral of wagons. The sun did the magic. However, one freighter upon reflecting some years later, believed the meat to be sour and disagreeable to anyone not used to it.¹⁴ But the Mexicans stewed it, flavored it with generous helpings of red pepper, and ate it "without fear and trembling." Their trains always had hunters who perhaps would have been welcome in an American train, for according to some old bullwhackers "sow belly" three times a day for a month became questionable as an article of food.

All Mexican and many American freighters pastured their oxen in New Mexico during the winter. Early in the spring the owners who had wintered there preceded the teams in light wagons or carriages and went east, that is, to St. Louis, Philadelphia, or elsewhere, to buy goods. While awaiting the arrival of the steamer with the goods, the trains camped on the outskirts of Westport, Kansas City, or some other town on the river. "Solid squares of wagons, covering whole acres, are found," observed a newspaper man in Kansas City in 1860. "Thousands of draft animals are scattered over a 'thousand hills' . . . The streets resound with barbarous vociferations and loud cracks of heavy whips . . . The rumbling noise made by the clumsy, lumbering 'prairie schooners', while propelled along by patient oxen is heard incessantly."¹⁵ Bullwhackers fre-

13. *New York Voice*, September 19, 1895, given in *Kansas Biography Scrapbook* (Kansas State Historical Library, Topeka), Vol. IV.

14. W. B. Napton, *On the Santa Fé Trail in 1857* (Kansas City, 1905).

15. *State Record*, October 13, 1860.

quented grog shops and loafed in the streets, leisurely spending the wages which had been paid upon arrival at the Missouri.

One by one the wagons pulled from the warehouse down by the river, each loaded with sacks, barrels, or boxes weighing about 6,000 pounds. The wagons assembled at the camping ground until all had arrived. "At last, the 'order of march' is given. A scene then ensues that baffles description. Carriages, men, horses, mules, and oxen appear in chaotic confusion. Human cursing, distressing mulish out-cries and bovine lowing, form an all but harmonious concert, above the dissonances of which the commanding tone of the wagon master's voice only is heard. The teamsters make a merciless use of their whips, fists and feet; the horses rear; the mules kick; the oxen balk. But gradually, order is made to prevail and each of the conflicting elements to assume its proper place. The commander finally gives the sign of readiness by mounting his mule, and soon the caravan is pursuing its slow way along the road."¹⁶

There was no regular schedule followed during the trip across the Plains. Usually two or three stops were made during the day. Sundays were disregarded, as a rule, but half-days of rest came often for the benefit of the oxen. The wagon-master selected the camping places. When the afternoon was old he stopped his mule at some desirable spot, preferably near some stream which afforded water and wood. As the wagons drew up to him the head wagon circled to the right, the following team to the left, following the lines of an arc until they met. The next two wagons did likewise, bringing their left fore wheels close to the right hind wheels of the wagon ahead. As the balance of the train piled up this way, a circular corral was made. At the rear a space of twenty feet was left open. A wagon on the inside, or a chain, served as a gate. The oxen were then turned loose. A mounted herder, called a "cavvie" in the

16. *Ibid.*

day time if he drove the loose cattle or "cavayard" along with the train, cared for them during the night. Riding slowly around and around them, always guarding against a stampede, singing to them if they were restless, this "original" cowboy spent a lonesome night until the oxen lay down and began to chew on their cuds.

The drivers divided into messes of six or more. Two started for wood or buffalo chips with sacks on their shoulders. Another went for water. Another dug a fire trench. Soon bread, bacon, and steaming black coffee were served to each man who had his tin plate, quart cup, knife, fork, and spoon. After the mess, preparation was made for breakfast. Then came the "fun and frivolity" of camp life. A deck of thumb-marked euchre cards afforded amusement to some. As the stars began to appear in the western sky, stories of "hair breadth Indian encounters or 'unheard of buffalo shooting' was told." A good smoke and a song often ended the hard day as the flickering shadows of the dying campfire played on tired faces. The quavering call of a wolf echoed the raucous voices of the men. Blankets were spread beneath the wagons. The bullwhacker laid his head on an ox yoke, rolled his blankets around him, and probably had an untroubled sleep until the "Roll out, roll out" call of the night herder came much too soon at daybreak.

Breakfast over, the cattle were driven into the corral again. At the cry of "catch up" from the wagon master every driver started among the milling cattle with a yoke on his left shoulder. It was "first come, first served" for the first day only; after that the only exchange that could be made was from the herd of extra animals. A yoke of heavy, well-broken oxen were used as "wheelers"; a second best came next. The two pairs in the "swing" could be made up of partly broken cattle, with a good light weight pair for leaders. Long legged, long horned Texas steers, when broken, made the best leaders. They held their heads high, were quick on the foot, and could run quite as fast as a horse when frightened. With this in mind the bullwhacker

made his way among the swaying cattle which piled up on each other in the corral. When the sturdy "off-wheeler" was found, the yoke was fastened to him with one end left on the ground while the driver went in search of the mate. When yoked together they were hitched to the wagon, and the others were lined out in order. When the long call "pull out" sounded throughout the camp the teamster was in his glory. About twenty-five long whips tipped with buckskin poppers were swung above the heads of the drivers at the same time, the reports "sounding like fire from a picket line of soldiers." But only the "deadhead" was struck as the caravan writhed away for another day of ten weary miles.¹⁷

The bullwhackers had a reputation for being a "reckless, hard working set of men, many of them indulge[d] in great excesses when starting out, or coming in . . ." ¹⁸ A correspondent of a Missouri newspaper said that the "most intolerable nuisance about some of the trains is the atrocious profanity that is kept up like a raging fire by many of the hands."¹⁹ The tender Susan Magoffin, who rounded out a honeymoon on the Santa Fé Trail in 1846, was much shocked at the conduct of the men at "catching up" time. She noted in her diary that the "whooping and hollowing of the men was a novel sight rather. It was disagreeable to hear so much swearing . . . [Of course, 'catching up'] worries the patience of their drivers, but I scarcely believe they need to be so profane."²⁰ The freighting firm of Russell, Majors, and Waddell prohibited the use of profanity and liquor, forbade travelling on the Sabbath, and demanded that the animals be treated kindly. A code of behavior was

17. R. Rolfe, *Trails Clippings* (of the Kansas State Historical Society), vol. I, p. 391; Tucker and Vernon, *Along the Old Trail*, pp. 31-33; J. A. Little, *What I Saw on the Old Santa Fé Trail* (Plainfield, Indiana, 1904), p. 25; *Harper's Magazine* (clipping found in Kansas State Historical Society); *Dodge City Globe*, May 22, 1915, in *Trails Clippings*, Vol. II, p. 48.

18. *Missouri Republican*, August 11, 1858.

19. *Ibid.*, September 13, 1851.

20. Stella Drumm (ed.), *Down the Santa Fé Trail* (New Haven, Connecticut, 1926), pp. 2-3.

posted in the back of each wagon to serve those who easily forgot. When applying to Alexander Majors for a bullwhacking job, it may have been his connections with the Methodist church as pastor that caused him to ask the applicant if he could drive across the Plains and back without swearing. One old freighter tells that an Irishman, who had ambitions to be a teamster, replied to that question: "Yis, I can drive to hell and back without swearing."²¹ He was not employed. However, there is little reason to believe that Majors' elevating influence was felt far beyond the employment office. To his teamsters on the Oregon Trail he once preached a sermon. One listener said that he talked to them "like a Dutch Uncle." William Johnson, an old bullwhacker, testified that a wagon master seldom knew when Sunday came after being out awhile.²² An English traveller summarized his impression of the wagoner's conduct by saying that he "scarcely ever saw a sober driver; as far as profanity [is concerned], the western equivalent for hard swearing—they would make the blush of shame crimson the cheek of old Isis Barge."²³

Swearing was not unheard of on government trains, even if mules instead of oxen were used. The teamster rode one of the mules near the wagon, just as his brethren on the National Road had ridden the heavy horse near the Conestoga a generation before. From that position he made brave attempts to keep the four leaders moving. He held a line in his hand which extended to one of the lead mules. A jockey stick "not unlike a rake handle" separated the "pilot" from his mate. When the driver gave a heavy strap one pull the old veteran in the lead turned, pulling his mate to the left. Two jerks caused him to turn to the right, pulling his companion. And, to quote Mrs. E. Custer, "in this simple manner the ponderous vehicle and all the six animals are guided . . ." The most spirited mules were se-

21. J. A. Little, *op. cit.*, p. 24.

22. E. Blair, *op. cit.*, p. 68.

23. Sir Richard Francis Burton, *The City of Saints, and Across the Rocky Mountains to California* (New York, 1862), p. 14.

lected as leaders. Being out of reach of the whip their pace was determined by the persuasive effect of the driver's vocabulary or the tone of his voice. Mrs. Custer testified that she saw the driver of the teams which she accompanied to Ft. Riley from Leavenworth, desiring not to be profane in her presence, "shake his head and move his jaws in an ominous manner, when the provoking leaders took a skittish leap on one side of the trail, or turned around and faced him with a protest against further progress . . . It was in vain that he called out, 'You bet, there!' 'What are you about, Sal?'" She heard further remarks which caused her to believe that some of the mules were christened after the sweetheart of the "apparently prosaic teamster." This driver perhaps lavished as much affection on his mule as he did on his sweetheart. "Fox or small coyote tails were fastened to bridles and the vagaries in the clipping of the poor beast's tails, would set the fashion to a Paris hairdresser. . . . The coats of the beasts . . . shine like the fur of a fine horse."²⁴ Thus Mrs. Custer observed from the front seat of a government wagon while going across the Plains on a road often used by government wagons enroute to Santa Fé.

The dull monotony of the day or the stillness of the night was upon many occasions interrupted by the war whoops of mounted Indians armed with spears, guns, or bows and arrows. When sighted, if while the caravan was moving, the corral was hastily formed, the oxen placed within the circle, while the teamsters took a position of vantage behind the wagons. One old freighter tells a story of such an attack on the Old Trail (and there are many such stories) when a government escort was along. Upon this occasion, First Lieutenant Ulysses Simpson Grant and sixty troops had accompanied the train from Ft. Larned. When the Indians were sighted and the corral made, the soldiers took a position at one end, while the bullwhackers stood at

24. Mrs. E. Custer, *Tenting on the Plains or With General Custer in Kansas and Texas* (New York, 1893), pp. 222-229.

the other. Shots were exchanged with the red-skins as they rode around the encampment. When eight Indians lay dead on the ground, they flew the flag of truce, picked up their dead and went away. Lieutenant Grant, who had calmly strolled about during the fight with a black corn-cob pipe in his mouth, treated the men with a drink of whiskey from one of the wagons, and gave a receipt to the wagon master showing delivery to the army.²⁵

Stampedes were full of excitement while they lasted. Occasionally the spare cattle in the rear would become frightened. As they ran past the wagons the signal was given for a change of pace of the wagon train. The yoked oxen would begin to bawl, and to quote one teamster, set off at an astounding speed for miles, frequently overturning wagons. When their strength was exhausted they would settle down again. In 1862 Robert Wright was driving the loose cattle behind one of the Russell, Majors, and Waddell wagons. In the hot afternoon he took off his heavy linsey-woolsey coat, the body of which was lined with yellow and the sleeves with red. In taking off the coat it was turned inside out. Then he tossed it over the long horns of "Old Dan," a gentle ox that was lagging behind. "Old Dan" had fallen behind some distance during this process so the herder prodded him along. "No sooner did Old Dan make his appearance among the cattle than a young steer bawled out in steer language, as plain as English," says Wright, "Great Scott, what monstrosity is this coming to destroy us?" Then "with one long, loud beseeching bawl, [he] put all possible distance between himself and the terror behind him." Immediately all the cattle but "Old Dan" stampeded. When the wagon master inquired of the cause of this commotion which had wrecked some eighteen wagons, broken the legs of three steers and one man, and scattered loose cattle for about fifteen miles, Wright (meekly perhaps) said he thought it was a wolf.²⁶

25. *Kansas City Star*, quoted in *Trails Clippings*, Vol. I, p. 396.

26. This account is given by R. M. Wright in his *Dodge City, the Cowboy Capital* (Wichita, Kansas, 1913), pp. 28-29.

The wind, if in the right direction, heralded the approach of the caravan to Santa Fé. The creak of the wagons, the "gee-ho" and the "ho-haw" of the drivers, and the crack of the whip announced the arrival in a manner not to be mistaken. "From the shining white of the covers and the hull like appearance of the bodies of the wagons, truly [they] look like a fleet sailing with canvas all spread, over a seeming sea." Perhaps the cattle resembled so many insects crawling along on the surface of the desert, sometimes hidden from the eye by a shifting cloud of dust. The wagon master was the first to arrive in town. The few "guntoters," used for guards by some trains, accompanied him down the crooked streets of Santa Fé to bask in the sunshine of popularity. Looking back they could have seen the caravan moving from the horizon as if it were a part of nature. Finally dust covered vehicles, escorted by a swarm of flies which were attracted by the dried meat on the sides of the wagons, and pulled by sweaty, dirty oxen, crawled to the end of the journey.²⁷ The soft voices of dark-eyed señoritas mingled with the clatter of roulette wheels and the ring of Mexican dollars carried the tired bullwhacker far away from the life of bawling cattle. Perhaps excesses were indulged in "without stint or remorse"—but what of it, they must have reasoned, within a few days or weeks or months the business of making a living would call them back to the Old Trail again, seven hundred seventy-five "Gol durned" miles. If with empty wagons, it meant twenty miles each blessed day instead of ten. Then what lay at the end of the Trail—pay day, liquor, and women. Bullwhacking was indeed a prosaic profession to the plainsman on the trails of the Great West.

27. In *Santa Fé Trail and Other Pamphlets* (a collection of the Kansas State Historical Society), Vol. 1, Jonathan Millikan says that swarms of flies *always* followed the wagons.

INDIAN LABOR IN THE SPANISH COLONIES

(Concluded)

By RUTH KERNS BARBER

CHAPTER VI

LABOR IN THE MINES

PRECIOUS metals were mined by the Indians of the western hemisphere before the arrival of the Spaniards. The Mayas were experts in metal work. "Neither they nor any others of the American aborigines learned to smelt iron, but they did much with gold, silver, and tin, which they combined into various alloys; for they knew how to cast and fuse, to draw wire, to make gold leaf, to plate, and to form the metals into various useful and ornamental shapes."¹ When the Inca Atahualpa was held as a captive by Pizarro and his men, he succeeded in collecting from his realm a roomful of gold articles as his ransom. The value of this ransom has been estimated at about \$15,000,000.² The Spaniards who were eager for gold robbed the Indians of their ornaments and all articles of value. After they had gotten all that they could from the living Indians, they forced them to point out the sepulchers and to make excavations to take out the treasures buried with the dead.³ This practice was prohibited in 1549. The Spaniards were miners and very soon discovered the rich mineral deposits; and they forced the Indians into service.

Mining was one of the first economic activities of the Spanish settlers in the New World. Even in the first colony, Española, mining yielded 480,000 pesos in gold each year for the royal treasury as the "fifth" due the monarch.⁴ Zacatecas, the first great Mexican silver region, was worked seriously in the fifteen-forties. The city of Zacatecas was

1. Mary Wilhelmine Williams, *The People and Politics of Latin America*, p. 27.

2. I. B. Richman, *The Spanish Conquerors*, p. 189.

3. *Recopilación*, Lib. VI, Tit. X, Ley xiv.

4. Tornero, *op. cit.*, p. 90f.

founded in 1548, and many other cities sprang up near the mines. The other rich mining districts of New Spain were San Luís Potosí and Guanajuato. During the most of the sixteenth century the Mexican mines supplied one-third of the world's supply of silver. In 1545 the great silver treasures of Potosí in Upper Perú were discovered by an Indian said to have been searching for a stray llama. The city of Potosí was founded in 1547, and these mines soon became the greatest source of silver in the world. Before the close of the colonial era the total output of the Potosí mines, calculated on the basis of the royal fifth, amounted to more than one hundred sixty-three million pounds. The actual yield was much greater because much of the silver escaped registry.⁵

At first the gold was washed in wooden basins or troughs, or extracted by means of mercury. The silver was washed or taken out by the use of salt brine or heat. In 1556 the process of amalgamating silver with mercury was introduced at Pachuca, Mexico. From this time on, the output of silver increased and the mining of mercury became very important. There were rich deposits of quicksilver in Perú; salt and copper were found in Española, Cuba, Venezuela, and Chile; some emeralds were mined in New Granada and opals and turquoise in Mexico. Pearl fishing was important along the Pacific coast of Venezuela. In shallow water the Indians went out in flat bottom boats and raked for the pearl oysters; where the water was deep they were forced to dive for them. The prohibition of forced labor of the Indians in the pearl fisheries has been mentioned.⁶ The income from metals and precious stones was considered very necessary to the monarchs, and, for this reason, they encouraged mining.

According to an old law of Spain, ownership of surface land did not carry with it the right to the subsoil. The crown had a special interest in all minerals, especially pre-

5. Williams, *op. cit.*, p. 195.

6. *Supra*, p. 270.

cious metals. Gold and silver beneath the surface, however, were of no benefit to monarchs who needed ready cash to pay for their extravagances; therefore, the mining class was usually favored. Miners were not to be subject to usury and their tools could not be seized for debt.⁷ In the colonies Indians were allotted to the miners as laborers. At first the crown was to receive half of the value of the minerals mined, then a third, and later a fifth (which came to be known as the "royal fifth"). A cedula of 1504 gives the reason for the change:

Royal Cedula by which Their Highnesses grant the favor to the citizens and residents of Española that of all gold, silver, copper, and lead and other things which they gather they pay the fifth for the space of ten years.

Medina del Campo.

February 5, 1504.

Don Fernando and Doña Isabel.

Whereas in the agreement which by our command was made with Luís de Arriago and other persons who went to settle the Island of Española, which is in the Indies of the Mar Océano, among other things it was agreed that of all gold which they collected or took out in said island of Española they should give us one-half, and to them should remain the other half to do with as they pleased and to have for their good; which we had commanded to be kept with the other citizens and residents of said island, as is contained more at length in the said capitulation and agreement and commandment which we had ordered to be given; after which by our other provisions we commanded that they pay the third and not more of said gold which they take out; and now we are informed that for those who collect and take out gold and mother metals there is much work . . . according to the kind of land; and that, because they must give a half or third of said gold as we have commanded, they receive much harm and detriment, and work will cease on their part, and it is supplicated and begged us, that by our favor, we command that in some manner it be provided so that they may have some advantage and inducement in taking out

7. Williams, *op. cit.*, p. 194.

gold and be able to sustain themselves in said islands . . . ; and we, realizing the great work and expense to those who take out and collect the said gold and because our will is that the persons who attempt this be benefited . . . in order to do them a kindness and a favor, and in order that the said island be well populated and ennobled, by this present [cedula] we command that from the day our carta is published in the said island of Española, from then on for the space of ten years just following, and more according to our will and mercy, all and whatsoever Christian citizens and residents of said island who collect and take out in said island, gold, silver, lead, tin, quicksilver, iron, and other metals pay us the fifth part of all gold, silver, and other metals which they collect or take out in the said island, except with the discount of some costs, placed in the power of our treasurer, who by our command resides in said island, except that those whom we have prohibited from going to, or dwelling in, said island may not take out [metals]; and of the other four parts we give them the privilege for each one to do with them that which he wishes of his own free will, unhindered, to help with his expenses, and for his inducement; in regard to the taking out and collecting of said gold and metals let there be kept the order and form which we have commanded or shall command our governors who are in the island to keep from now on, in order that there be no fraud or any deceit; it is our will that this be guarded and kept, notwithstanding that which is contained in other provisions, cartas, and orders in which we commanded that they pay more than said fifth . . . we command to give the present signed by our names and sealed with our seal. Given in Villa de Medina del Campo, February 5, Year of the Birth of Our Lord, 1504. I, the King. I, the Queen. I, Gaspar de Grycio, Secretary of the King and Queen, our Masters.⁸

Ferdinand V issued his general decree permitting the allotting of Indians on August 14 and November 12, 1509.⁹ Evidently the *encomendados* were used immediately for labor in the mines, because on November 14, 1509, Ferdinand sent a letter to Miguel de Pasamonte, the treasurer

8. *Documentos inéditos de Indias* (D. I. I.), XXXI, pp. 216-219.

9. *Recopilación*, Lib. VI, Tit. VIII, Ley 1.

general of the Indies, in regard to work in the mines. He said that he had not specified any limit of time for the *encomiendas* of the Indians. If a new distribution were made much time would be lost from the work in the mines which was very important. Those who already held Indians might keep them by paying one *castellano* (an old Spanish coin) per head. Others who seemed to the governors to be well deserving might have Indians from those who had been brought in from the surrounding islands by paying one *castellano* per head from the "half which pertains to us."¹⁰ Ferdinand was evidently trying to claim a half instead of the fifth provided for in the *cedula* of 1504! The desire for gold was so strong in the monarchs, or their need was so great, that they did not insist upon free labor in the mines although they tried to mitigate some of the evils.

Charles V, in 1528, decreed:

For the Indians and slaves who work in the mines let there be provided clerics, religious persons who shall administer the Holy Sacraments and teach them the Christian doctrine and let those interested in them pay the stipend; and let the prelate of the diocese . . . provide that on Sundays and fiestas they hear mass and attend to the doctrine.¹¹

The same monarch, in 1551, gave permission to use Indian labor in the mines but ordered that it should be voluntary and remunerative:

We permit that of their own will, and being paid a just wage, Indians may go to labor and work in the mines of gold, silver, and quicksilver, provided that no *encomendero* take his own Indians; and we give permission to those of one *encomienda* to go to work in the mines of another *encomienda*.¹²

In 1549 a decree had been issued forbidding any *encomendero* to force his Indians to work in the mines.¹³

Solórzano says that the viceroy and *audiencia* of Mex-

10. *Documentos inéditos de Indias*, XXXI, pp. 513-518.

11. *Recopilación*, Lib. VI, Tit. XV, Ley X.

12. *Ibid.*, Lib. VI, Tit. XV, Ley ii.

13. *Ibid.*, Lib. VI, Tit. IX, Ley xxii.

ico wrote a report on conditions in 1574 and 1575. They stated that the Indians were naturally inclined to be vicious. The only way to hold them in check was to keep them occupied, and the work in the mines was the best solution.¹⁴ Partly for this reason, but mostly to supply the demands of the monarchs and to satisfy the greed of the colonists, the Indians were divided into mitas for the labor in the mines. The mita of Perú was not to exceed a seventh part of the population of a pueblo, and in New Spain it was not to be more than four per cent. The mita usually lasted six months, four in the mines and two in the work with the metals and service in the village and hospital. It took, on an average, two months to go out to the mines and two for the return, making a total of ten months. According to Viñas y Mey, the pay at first was three and three-fourths reales a day. Later Marqués de Cañate raised it to four reales, and the two months going and return were to be paid at the rate of three and one-half reales.¹⁵ A decree dated 1575 stated that the Indians employed in gangs by the miners and owners of estates were not paying tribute in any quantity. "Especially those who help in the mines for taking out silver and get four or five pesos a month should pay at least two pesos a year."¹⁶ This would be less than the amount mentioned by Viñas y Mey because there were from eight to ten reales to a peso. The pay varied and was not the same in all provinces. In spite of the decrees against the practice, many Indians were forced to work without any pay.

One common means of exploiting the Indians seems to have been the securing of allotments by men who did not own mines, and renting them out to mine owners. Some of the decrees which mention this are as follows:

14. Solórzano, *op. cit.*, I, p. 128.

15. Viñas y Mey, *op. cit.*, p. 59.

16. *Recopilación*, Lib. VI, Tit. V, Ley ix.

Título XV, Ley iv, Philip II, 1593, 1594:

In many provinces repartimientos are given to those who have no mines . . . Those who sell the work of Indians are using them for a purpose for which they are not allotted. Such are to be punished with the loss of all their goods and banishment from the Indies . . .¹⁷

Título XV, Ley xviii, Philip II, 1593:

In Cerro de Zaruma and other pueblos the repartimiento must be to those who actually own mines . . .¹⁸

Título XV, Ley iv, Philip III, 1601:

In Cerro de Potosí some have mines but do not work them. They lease them and sell the work of the Indians allotted to them. No Indians should be granted to any who do not actually operate their mines . . .¹⁹ (not exact quotation).

Título XV, Ley viii, Philip III, 1609:

No Indians should be allotted to owners of poor mines because they sometimes sell the work of the Indians to owners of good mines . . .²⁰ (not exact quotation).

Sometimes those who made the repartimientos accepted pay from the Indians and excused them from serving in the mita. Philip III sent out a decree against this bribery because it diminished the amount of the royal fifth.²¹ Some of the cédulas seem to indicate that the monarchs were more interested in the income from the mines than in preserving the Indians. In the instructions to the viceroy of Perú in 1595 Philip II stated:

Also I charge you that you give much attention to the working and benefit of the mines which have been discovered and in providing that they seek and work new ones; for the richness of the land is the principal nerve for its conservation, and the prosperity of the same [the mines] results in the prosperity of the realm . . .²²

17. *Recopilación*, Lib. VI, Tit. XV, Ley iv.

18. *Ibid.*, Lib. VI, Tit. XV, Ley xviii.

19. *Ibid.*, Lib. VI, Tit. XV, Ley v.

20. *Ibid.*, Lib. VI, Tit. XV, Ley viii.

21. *Ibid.*, Lib. VI, Tit. XV, Ley vii.

22. Solórzano, *op. cit.*, I, p. 124.

Philip III in 1601 ordered that settlements of Indians be established near the quicksilver mines.²³ By this time mercury had become important in silver mining. In 1609 it was ordered that there should be no mines in dangerous parts, especially where mercury was taken out.²⁴ Solórzano tells of the illness caused from the mining of mercury, from his experience in Huancavélica as visitador and governor from 1616-1619. He says that it was called *el mal de la mina* (the illness of the mine), that the poison penetrated to the very marrow, debilitating all of the members and causing a constant shaking, and that the workers usually died within four years.²⁵ Notwithstanding the dangers to the Indians, Philip IV decreed in 1631 that the repartimiento for service in the mines of Huancavélica be continued, and Charles II repeated the decree. This decree stated that the sufferings of the workers should be alleviated and that delinquent mulattoes, negroes, and mestizos should be condemned to work in the mines as the crimes deserved.²⁶

The mines were drained by carrying the water out in leather bags which were sometimes drawn up by windlasses. The drainage work was very hard for the Indians and often resulted in illness. It was decreed, therefore, in 1609, that Indians should not be used for this work, but that it should be done by negroes.²⁷ At times the mitayos were retained longer than their allotted time to serve for the Indians who had fled or died.²⁸ There was often great inequality in the distribution of the workers, which caused difficulties,²⁹ and sometimes the Indians allotted for work in the mines were used for other service.³⁰ When the mines at Potosí were opened, the Indian workers were required

23. *Recopilación*, Lib. VI, Tit. XV, Ley xxi.

24. *Ibid.*, Lib. VI, Tit. XV, Ley. xi.

25. Solórzano, *op. cit.*, I, p. 131.

26. *Recopilación*, Lib. VI, Tit. XV, Ley xx.

27. *Ibid.*, Lib. VI, Tit. XV, Ley xxi.

28. *Ibid.*, Lib. VI, Tit. XV, vi.

29. *Ibid.*, Lib. VI, Tit. XV, Ley xvi.

30. *Ibid.*, Lib. VI, Tit. XV, Ley xv.

to pay so many grains a day, to be deducted from the daily wage, to help pay for an inspector, a protector, and a hospital. The mine owners took such advantage of this provision that Philip III abolished it in 1618.³¹

There were attempts to supervise the use of the Indians in the mines. In 1591 a decree was issued requiring that managers who were sent with the Indians allotted for work in the mines should be men of good satisfaction, chosen carefully.³² In 1593 Philip II declared that the mitayos for the mines of Zaruma should not enter the mine until the overseer or alcalde had seen them. The use of Indians for carrying the metal to the places where the ore was crushed was forbidden; horses or mules were to be used for this work. The abuses were to cease, and the mitayos were to work from six until a little after ten in the morning, and from two to five in the afternoon. Because of mistreatment of the Indians, mulattoes, mestizos, and negroes were forbidden to reside in the pueblos under penalty of lashing.³³ The observance of Sabbath rest was decreed in 1601 and again in 1608.³⁴ In order to encourage voluntary work in the mines Philip III, in 1609, ordered that the land around the mines of Potosí, Perú, should be settled. The Indians were to be given lands on good sanitary sites, hospitals were to be founded, and the Indian settlers were to be excused from the mita for six years.³⁵

That some of these decrees were effective is known from facts given by visitors and officials. Don Antonio de Ulloa in his *Noticias Americanas* (1792) says that the ore was taken out by llamas and alpacas at that time. The work was done by Indians and mestizos, some working voluntarily and some under compulsion; the pay was the same for both classes of workers. Ulloa considered it competent, never less than four reales a day and at Potosí, one peso a

31. *Recopilación*, Lib. VI, Tit. XV, Ley xiv.

32. *Ibid.*, Lib. VI, Tit. XII, Ley xx.

33. *Ibid.*, Lib. VI, Tit. XV, Ley xix.

34. *Ibid.*, Lib. VI, Tit. XV, Ley ix.

35. *Ibid.*, Lib. VI, Tit. XV, Ley xvii.

day. He stated that those of the mita offered to work voluntarily after the mita was served because they wanted to earn more money.³⁶ Don José de Espeleta reported for New Granada in 1796 that there were many rich mines, and that the large mines were worked by the owners with negro slaves. The other workers were some who washed the gold from the ore and those who were personally seeking enough fortune to satisfy their needs.³⁷ Mexía de Ovando in his *Memorial práctico* of the time of Philip IV said that there were in the region of Potosí 20,000 Indian workers who were permanent and free, not in the mita, besides 20,000 from other parts. The number of voluntary workers kept increasing as shown by such cartas as that of Príncipe de Squilache to the king in 1609 stating that the number of Indians allotted to work in the mines had been reduced by eight hundred persons. By the close of the seventeenth century all of the workers in the mines at Huancavélica were voluntary except six hundred twenty mitayos.³⁸

Alfonso Messía in his memorial to Luís de Velasco told of some of the conditions in the mining districts of Perú at that time (about 1609). He had personal knowledge of conditions, and he made an estimate of about fifteen hundred Indians in the mines of Castrovireino who came from many different pueblos, the farthest one hundred leagues away. At Salinas there were six hundred Indians mostly from corregimientos, the farthest eighty-five leagues; and at Vilcabamba, four hundred eighty Indians. At Potosí there were about twelve thousand six hundred Indians used each year in three mitas, each working four months; there were always four thousand two hundred working at the same time. He said that up to that time the viceroys had known about the grievances of the Indians working in the mines, but they always excused themselves by saying that they had no power to take away the laborers

36. Don Antonio de Ulloa, *Noticias Americanas*, pp. 217-218.

37. *Relaciones de Mando, Nuevo Reyno de Granada*, p. 339.

38. *Viñas y Mey*, *op. cit.*, p. 61.

assigned nor to moderate the work. Now they had no excuse because the king had sent an express order against distributing Indians for work in the mines. He said that at least the Indians should be taken away from the mines which were of little value. It was argued that this would mean a loss of about four hundred thousand pesos, but what was that when it meant preserving three thousand Indians? If the Indians were all lost, the crown would lose the amount of their tribute.

Some of the Indians who went to work in the mines of Potosí traveled one hundred fifty leagues. From the province of Chuquito there went out each year some two thousand workers. They usually took their wives and children; Messía said that he had seen them go out twice, and he estimated that there were about seven thousand persons altogether. Each Indian took eight or ten *carneros*,⁸⁹ and some alpacas for food; some took as many as thirty or forty *carneros* on which they carried their food, their blankets, and mats to protect them from the cold, because the climate was severe and they slept on the ground. All this amounted to at least thirty thousand head of llamas and alpacas, which with the food would be valued at more than three thousand pesos. It took about two months for the journey of one hundred leagues because the herds and the children could not move very rapidly; the children of five and six years of age went on foot. Of all this crowd who were taken out of Chuquito usually two thousand returned; the other five thousand either died or remained in the vicinity of Potosí. When it came time to return often they had no pack animals nor food for the journey; also they knew that on returning the caciques and corregidores would use them in different kinds of service. Sometimes when they returned the cacique could not make up his quota and would force them to serve again. Some provinces had become so depopulated that they did not have enough Indians to fill

89. *Carnero* usually means a sheep, but here it evidently means llama. It is so used in other writings of the seventeenth century.

the quota demanded. In such cases the justicias and lords of the mines required the caciques to hire them at their own expense. If a cacique lacked twenty Indians in a week, it would cost him one hundred eighty pesos. Messía knew of a cacique who came to a priest, in 1601, and weeping said:

"*Padre*, I am obliged to report thirty-one Indians, and of these I have lacked sixteen for six months, and each week I have reported them and paid one hundred twenty-six pesos in hiring them; and for this I have sold a mule which I had, my llamas and my clothes, and I have sought for borrowed silver, placing a tax on my people; and not having any other means of getting the Indians, last week I pawned my daughter to a Spaniard who loaned me sixty-four pesos which I lacked, and next week I do not know what to do unless I hang myself."

The work was very hard, the Indians working twelve hours a day, going down sixty and sometimes one hundred *estados*⁴⁰ where it was perpetual night, where it was necessary to work by the light of candles, and where the air was very bad. The going down and up was very dangerous, and the Indians were forced to come out loaded with little bags of metal on their backs. It took about five hours to make the trip out, and a false step would mean a fall of perhaps one hundred *estados*. When they reached the surface, they were reprimanded by the miner for taking so long or for not bringing a heavier load, and were sent back almost immediately. When they worked in water the conditions were worse. For all of this hard work they were not paid enough to supply their maintenance, and the Indians who worked in the mines were required to pay a higher tribute than the others.

The Indians also suffered grievances at the hands of their caciques, who sometimes hired from fifty to one hundred of them to the miners. These Indians were made to work the hardest of all because the miner wanted to get his money's worth. The Indian had no redress because, since

40. *Estado*, a measure of length, 1.85 yards.

his cacique hired him out, he had no one to whom to say "aquí me duele" (Here I suffer). The foremen in the mines would not let the Indians go down from the mountain on Sundays because they wanted to get a good start on Monday morning. The Indians were given certain tasks to perform and were paid according to the fulfillment of them. If the miner was not successful, he did not pay the Indians anything. Messía suggested that inspectors be placed in the mines and that severe punishment be given those who continued these abuses.⁴¹

Conde de Chinchón wrote in his *relación* of January 26, 1640:

I have not given mitayos to new mines, as was commanded in the order of personal service which we brought . . . and I have not added any to that of Huancavélica, although on the eighteenth of February, 1634, after great controversies, it was permitted in case of necessity, but thanks be to God, there is none [necessity] in mercury; I have increased the daily wage one real a day . . .

I have adjusted the pay for the going and coming from Potosí, which my predecessor left pending, and which is a thing of such great importance . . .; and I relieved them of the contributions of grains which was discounted from the wages, which I also found pending . . .⁴²

Many tales have been told of the cruelty of the Spaniards and the rigors of the work in the mines. Barnard Moses, quoting from Chilean historians, tells that the laborers often worked knee-deep in water through the coldest season of the year. He states that Rodrigo de Quiroga forced the six hundred Indians of his encomienda to work in the mines. Half of them were men and half women, all between the ages of fifteen and twenty-five. They were employed for eight months in washing out the gold,—for four months there was no water. In 1553 Fran-

41. Memorial of Alfonso Messía, in *Relaciones de Vireyes del Perú*, II, pp. 839-874.

42. *Relaciones de Vireyes del Perú*, II, pp. 91-92.

cisco de Victoria reported to the Council of the Indies that the abominations shouted to Heaven. The encomenderos were forcing men and women, young and old, to work without rest and without sufficient food. They were allowed one pint of maize a day. If any one hid a grain of gold and was discovered his nose or his ear was cut off and exposed in a public place.⁴³

Mexía de Ovando complained that the mitayos were given other work to do after returning from the mita and that they suffered from decided changes in climate in going to the mountains for the work in the mines. In Perú in the time of Don Francisco de Toledo the Indians were sent out once in seven years, but by the time of Messía the numbers had decreased so much that the turns came once in three years. An order was given that if any Indian was wounded on the head, lost the use of an arm or leg, was lashed with cruelty, or fled because of ill treatment, the guilty miner should pay the Indian one hundred pesos of silver and not be allowed to have any more Indians. If the Indian should die because of the injury the responsible person should pay his tribute for twenty years and pay an indemnity of fifty pesos to the widow and children.⁴⁴ In 1581 the king sent a cedula to the audiencia of Guadalajara stating that it had been reported that the Indians were destroyed; one-third of them had succumbed and others were being forced to pay the tributes for the dead ones. They were being bought and sold, they slept in the fields, and mothers sometimes killed their sons rather than let them go to work in the mines.⁴⁵ The tribes at Zacatecas petitioned for a visitador in 1609.

Robertson in a note mentions Ulloa's statement that the abuses were exaggerated and that Indians often worked voluntarily after the mita was served, and he quotes Don Hernando Carillo Altamirano as saying that wherever

43. Bernard Moses, *The Spanish Dependencies in South America*, II, p. 48.

44. Viñas y Mey, *op. cit.*, p. 68.

45. Priestley, *op. cit.*, p. 89f.

mines were wrought the number of Indians decreased, but in the province of Campeachy where there were no mines, the number of Indians had increased more than a third since the conquest although the soil and climate were not favorable. In 1609 Captain Juan Gonzales de Azevedo sent a memorial to Philip III in which he asserted that in every district of Perú where Indians were compelled to work in the mines the numbers had been reduced to one-half or one-third of what they were in the time of Don Francisco de Toledo (1581).⁴⁶

Viñas y Mey contends that the Indians who were included in the mitas made up a small part of the total native population. Messía makes an estimate of from three to five thousand included in the mitas to the mines of Perú, while López de Velasco gives the number of tributary Indians for the viceroyalty of Perú as 880,000. Viñas y Mey states that the cruelties were not general, but were isolated cases, and measures were taken to stop them. He mentions the fact that in 1610 Príncipe de Squilache was arrested for "grave causes" because he had allotted two hundred Indians to the mines of Anglamarca and five hundred fifty to Oruro, notwithstanding the fact that he chose them from the most convenient places of the same climate. He quotes from *Provisiones reales* in stating that an inquiry was made about freeing from the mita fourteen hundred Indians in the mines of Castrovireino "because the harm which the mines do to the Indians is great, and they have taken the best Indians of the kingdom, some of whom come from more than ten leagues crossing the most rigorous Part of Perú."⁴⁷ In response to the plea the mita ceased. Alhóndigas (storehouses) were erected for storing food and clothing for the Indians. Philip III sent a carta to the viceroy of Perú thanking him for his zeal and faithfulness in preserving the Indians, and again in 1609 he sent another applauding the introduction of reforms.⁴⁸

46. William Robertson, *The History of America*, II, p. 453, note.

47. Viñas y Mey, *op. cit.*, p. 63f; López de Velasco, *op. cit.*, 337.

48. Viñas y Mey, *op. cit.*, pp. 63-69.

Because of the wealth from them, the mines were exploited to the neglect of improving the land and establishing other industries. Some miners made great fortunes, while others lost everything they put into them. By 1562 there were thirty-three mines in the Zacatecas region which were using the patio method. By this process the ore was mixed with salt and quick-silver and crushed beneath a revolving stone drag drawn by mules. In 1736 there were eighty-eight mines in this region using the patio process.⁴⁹ Priestley states that Vicente de Saldivar made a fortune of three million pesos and paid an annual tax of 100,000 pesos as the fifth. Bartolomé Bravo de Acuña had a fortune of 15,000,000 pesos, and Agustín de Závala of 4,000,000 pesos. In one mine the owner cleared one thousand pesos a day over his expenses. Conde de Regla is said to have paved a path with silver tiles for his daughter when she was married, and to have presented to Charles III a battleship for his fleet, built and equipped at his expense. According to Priestley the total production of the mines of New Spain from 1690 to 1818 is estimated at one and one-half billion pesos, of which the crown received sixteen to nineteen per cent. The annual average at the close of the eighteenth century was 22,000,000 pesos. About a million more was smuggled out each year.⁵⁰ Robertson's estimate for the gold and silver is about 4,000,000 pesos annually from 1492. He says that in two hundred eighty-three years (down to 1775) this would amount to one billion one hundred thirty-two million pesos, although the Spanish writers say that the amount was much larger because so much of it escaped the payment of the royal fifth.⁵¹ No estimate can be made of the amount smuggled out. Bourne gives the following figures from Humboldt's *Ensayo Político*:

49. Priestley, *op. cit.*, pp. 86-87

50. *Ibid.*, p. 95.

51. Robertson, *op. cit.*, II, p. 370.

Annual Production from the Mines

<i>Year</i>	<i>Pesos</i>
1493-1500	250,000
1500-1545	3,000,000
1545-1600	11,000,000
1600-1700	16,000,000
1700-1750	22,500,000
1750-1803	35,300,000

The total yield from 1493 to 1803 was about five billion pesos, and Humboldt estimated the annual production at the beginning of the nineteenth century to be 43,500,000 pesos.⁵² It is almost impossible to give the equivalent value in United States money because the peso was a variable quantity. Bourne states that the *peso de oro* was four hundred fifty maravedis or one-sixth of an ounce, and its value was about three dollars.⁵³ Robertson states that the *peso fuerte* or *duro* was the only one known in America and was worth about four shillings, six pence (approximately one dollar in United States money).⁵⁴ He says that in the sixteenth century it was worth five or six times as much. Because the value was so variable and so hard to estimate he used the Spanish peso in giving figures about the wealth of the mines. Most other writers on the colonization period have followed the same practice.

52. Bourne, *op. cit.*, p. 301.

53. *Ibid.*, p. 104, note.

54. Robertson, *op. cit.*, II, p. 468.

CHAPTER VII

INDIAN SAVERY AND WORK FOR PAY

Although personal service of different kinds and forced labor in the mines under the encomienda system were in reality servitude of an oppressive type, they did not constitute actual slavery. In addition to these types of labor in which there was at least an attempt to protect some personal rights of the Indians, a regular slave traffic was carried on for a number of years. Columbus attempted to establish trade in Indian slaves as a source of revenue. When he pacified the island of Española in 1495, after disturbances during his absence, he took hundreds of the Indians as prisoners. Several shiploads were sent to Spain and offered for sale by Juan de Fonseca, the minister in charge of Indian affairs. The Catholic monarchs instructed Fonseca to hold up the sale until they had consulted some theologians and lawyers about the matter. Whatever the decision was, Ferdinand and Isabella gave the following order to Fonseca, January 13, 1496:

Reverend Father in Christ, Bishop of Badajoz: In order to man certain galleys which the captain of our fleet, Juan Lezcano, has in our service, we have agreed to send him fifty Indians; wherefore we command you to deliver to the said Juan de Lezcano fifty of the Indians, who are to be from twenty to forty years of age. You will take his receipt for them . . . naming in it all the Indians he receives, with their ages, so that if the said Indians are to be free, the said Lezcano may return those of them [whom he has alive], and if they are kept as slaves, they may be charged against his salary.¹

Columbus proposed a plan to bridge over the unprofitable years when the colony was becoming established by capturing and selling the Caribs who were cannibals. He suggested that the monarchs authorize contractors every

1. Ferdinand and Isabella to Fonseca, Jan. 13, 1496, in *Documentos Inéditos de Indias*, XXXVIII, pp. 352-354; taken from Simpson, *op. cit.*, pp. 20-21.



FRAY BARTOLOMÉ DE LAS CASAS, "Apostle to the Indians"
(See page 245)

year to bring to the colony cattle and beasts of burden for which they were to be paid in slaves. The victims were to be the cannibals who were a "wild people fit for any work, well proportioned, and very intelligent, and who, when they had got rid of their cruel habits to which they had been accustomed, would be better than any other kind of slaves."² While Columbus was in Spain preparing for his third voyage, his brother, Bartolomé, sent a large number of Indian slaves to Spain by Peralonso Niño. Niño wrote to Columbus and to the sovereigns that he was bringing gold. The practical joke of Niño almost spoiled Columbus' chances for his third voyage because the monarchs used the money set aside for him in expectation of receiving the gold from Española. Later some of the followers of Roldán took to the mother country the Indians which had been granted them by Columbus. This time the queen became angry and ordered that the slaves should be returned to Española on the pain of death. She said that Columbus had no right to give away her vassals. Isabella granted permission to enslave those who were captured in war or who resisted the Christian religion. It was the custom to brand the slaves on the body or face. The slaves were called "stichos," "stigmáticos," or "stigosos."³ By an order issued on September 19, 1528, branding was made an official act:

By reason of the disorder in making slaves, it is commanded that whosoever shall possess Indians whom he asserts to be slaves shall present them before authorities (la justicia) in the place where the Royal Officers may be, and show the title or cause why these men are slaves; and the authorities approving, the slave shall be inscribed by a scrivener and branded with an iron, which only the authorities shall keep and no private person. The Indian who is found to have been a slave unjustly let him be set at liberty, and notification made by a public crier.

Signed at Madrid by Cobos, Secretary of State.⁴

2. Major, *Select Letters of Columbus*, p. 85; from Bourne, *op. cit.*, 38.

3. Solórzano, *op. cit.*, I, p. 61.

4. *Provisión Real*, Col. de Muñoz Ms. tom. 78; taken from Helps, *op. cit.*, III, p. 126.

When the Indians of Española died off because of the rigors of the encomienda system and other causes, Indians were brought from the smaller islands and the mainland to replace them. Raiding expeditions went to the Lucayas (Bahamas), captured the natives, and sold them for four pesos apiece.⁵ After a short time the islands were practically deserted. The Indians who resisted were often hanged or burned; those who escaped were hunted with dogs.⁶ Don Fray Juan de Zumárraga, bishop-elect of Mexico, reported to Charles V in 1529 as follows:

As soon as I came to this country, most Puissant Lord, I was informed that the province of Pánuco, of which Nuño de Guzmán is governor, had been destroyed and devastated, because the said Nuño de Guzmán had taken from it a great number of its free natives, branded and sold them for the islands. And since I wished to learn more about the business—as it seemed very harmful and contrary to your Majesty's royal purpose—I have found and verified that as soon as Nuño de Guzmán was received in that province he gave a general license to all of its inhabitants [Spaniards] to take twenty or thirty slaves for the islands; and this was done. And as this trade came to the attention of all merchants and traders in the islands and they saw it was profitable, they came to the province of Pánuco, for their own interest and because Guzmán called them, and he himself sent to have ships fitted out for it. And things have come to such a pass that the whole province is dissipated and destroyed. Nine or ten thousand souls have been removed, branded as slaves and sent to the islands; and truly I think there were more, because more than twenty-one ships have sailed from there laden.

The Indians abandoned their villages and fled to the wilderness. Their chiefs ordered that no one should have intercourse with his wife so as not to have children to be made slaves before his eyes. Of those who were taken from the country three shiploads sank and others threw

5. Don Juan Ortega Rubio, *Historia de America*, I, p. 351.

6. Helps, *op. cit.*, I, p. 223f.

themselves into the sea and were drowned. Those who did reach the islands were weak from hunger and thirst; they easily contracted disease and soon died. Since the coming of Guzmán to Pánuco as governor he had taken out nineteen thousand Indians as slaves. The branding was in the hands of those who were conniving with the persons in authority, and these men did not make the examination required by the king.⁷

Juan Ponce de León heard from slave raiders in the Bahamas of an island of Bimini.⁸ This information led to the discovery of Florida. Many of the exploring expeditions were made principally to supply labor for the islands where the natives were fast disappearing. The discovery of Yucatán and Mexico was made by slaving expeditions.⁹ The islands where there were no rich mineral deposits were considered useless, and it seemed just to the Spaniards to capture the Indians on these islands. The Bahamas were depopulated by transporting their inhabitants to the mines of Española and the pearl fisheries of Cumaná (because they were excellent divers). In 1629 the English established their first colony on the Bahamas, and except as they served as a refuge for pirates, they remained almost uninhabited. The dispute over their possession was finally settled in 1783 when they were given over to the English political and social systems. Most of the other Lesser Antilles were depopulated by the Spaniards to replace the Indians destroyed on the islands of Española, Cuba, Jamaica, and Porto Rico.

The Caribs deserve special mention because they were strongest in their resistance to the Spaniards. When Columbus came to the New World these Indians were cannibals. "The ancient chroniclers distinguish three fundamental groups among the Indians of the Antilles, that is

7. Simpson, *op. cit.*, Appendix V, pp. 224-248; Joaquín García Icazbalceta, *Don Fray Juan de Zumárraga*. Appendix, 1-42; *Documentos Inéditos de Indias*, XIII, pp. 104-179.

8. Priestley, *op. cit.*, p. 15.

9. Simpson, *op. cit.*, p. 42.

to say: the Cubuneyos of Cuba, the Arovacos or Aruacos of Puerto Rico and La Española, and the Caribs of the small Antilles; the latter in the epoch of discovery had conquered the rest whom they had expelled from the smaller Antilles and in part also from Puerto Rico and La Española, having assassinated or put to flight the Arovaco men, but retaining the women."¹⁰ This accounts for the fact that when the Spaniards came they found that the women spoke a different language from the men. No colonial settlement of a permanent character could be formed on the smaller islands until 1624. From that date the natives were rapidly expelled by the English, French, Hollanders, and Danish. Some remained on the islands of Santa Lucía, Domínica, and San Vicente because they could hide in the forests. In 1796 about five thousand Caribs were deported to Honduras. In 1902 a few remained. The Caribs were more warlike than the natives of the other parts of the Spanish colonies and often made raids on the colonies. In 1505 Ferdinand gave permission to enslave the savages who opposed with armed resistance the attempts to pacify them; this was meant especially for the Caribs, but it was made an excuse for the enslavement of peaceful Indians as well. The Caribs as the last survivals of the natives found by Columbus offer special interest to ethnology. There remain very few of the pure Indian blood because of continual crossing with the negroes. In Domínica exist perhaps two hundred Caribs (1926), and of them only fifteen families are not mixed with African elements. They live in the same manner as their ancestors: indolent, happy, maintaining themselves by fishing and tilling the land.¹¹ These Indians never came under the *encomienda* system except when they were taken to the larger islands, but they were enslaved whenever the Spaniards could succeed in capturing them.

10. *Enciclopedia Universal Ilustrada*, XI, p. 980.

11. *Ibid.*, p. 928.

Isabella on her death bed admonished her successors to see that the Indians were treated well. One of the provisions of the New Laws of 1542 was:

We order and command that from now henceforth for no cause of war, nor any other cause, although it be the title of rebellion, nor by *rescata* [barter or sale], nor in any other manner, any Indian be made a slave. And we desire and command that they be treated as our vassals of the Crown of Castile, as they are.¹²

Since the New Laws were so unsuccessful, the instructions sent to the Audiencia of Mexico in 1553 were not quite so drastic:

That the audiencias of the Indies . . . place at liberty the Indians who have been made slaves against reason, justice, and against the provisions and instructions given by us; if the persons who hold them as slaves do not show good title of how they hold them and possess them legitimately without waiting for more proof nor having other title, notwithstanding any possession which there is of servitude . . . although nothing be proved by the Indians and the possessors have a bill of sale or other title . . . they are free as our vassals.¹³

Legislation against Indian slavery continued through the reign of Philip IV, although negro slavery was encouraged. Charles I decreed in 1530 that the Indians should be free and not subject to servitude, but he found it necessary to repeat this decree in 1532, 1540, 1542, and 1548.¹⁴ In 1528 and again in 1543 he prohibited the taking of Indians to Spain,¹⁵ and in 1552 ordered that those who were in Spain should be returned to their native lands.¹⁶ A decree of 1541 provided for the punishment of encomenderos who sold their Indians,¹⁷ and in 1550 and 1556 Indians from Brazil or other parts of the demarcation of

12. Solórzano, *op. cit.*, I, p. 59.

13. *Idem.*

14. *Recopilación*, Lib. VI, Tit. II, Ley i.

15. *Ibid.*, Lib. VI, Tit. I, Ley xvi.

16. *Ibid.*, Lib. VI, Tit. I, Ley xvii.

17. *Ibid.*, Lib. VI, Tit. II, Ley ii.

Portugal were declared to be free in the Indies.¹⁸ Corregidores and alcaldes mayores were commanded to give account of the liberty of the Indians to the audiencias.¹⁹ Indians were often enslaved by their own caciques, and attempts were made to regulate this. Although caciques who claimed Indians in vassalage were to be heard, it was decreed that the jurisdiction of the caciques should not extend to mutilation or death,²⁰ and these chiefs were forbidden to receive daughters of Indians as tribute.²¹ A decree was issued in 1538, repeated in 1541, stating that caciques might not hold their subjects as slaves.²²

During the reign of Philip II (1556-98) the decree against caciques' holding subjects as slaves was repeated, but the Spaniards who held slaves by title were not to be condemned.²³ In 1569 a decree permitted the enslaving of Caribs, who would not be reduced to civilization or Christianity;²⁴ this was one of the decrees which gave an excuse to the raiding parties. Philip II paid particular attention to the natives of the Philippines. He decreed that they should not be taken by force to the other islands,²⁵ that an official should be appointed to see that there was no slavery in these provinces;²⁶ but that the Mindanaos who were Moors and made war against the Spaniards might be enslaved.²⁷ The last of these was repeated in 1620 by Philip III.

In Tucumán and Rio de la Plata Indian slaves were held *de rescates*, by barter or sale; in 1618 Philip III issued a decree against the buying and selling of the natives in these provinces.²⁸ Nine years before this (1609) a general decree was sent out prohibiting the loaning of Indians or

18. *Recopilación*, Lib. VI, Tit. II, Ley v.

19. *Ibid.*, Lib. VI, Tit. II, Ley x.

20. *Ibid.*, Lib. VI, Tit. VII, Ley xiii.

21. *Ibid.*, Lib. VI, Tit. VII, Ley xiv.

22. *Ibid.*, Lib. VI, Tit. II, Ley iii.

23. *Ibid.*, Lib. VI, Tit. II, Ley xv, Ley iii.

24. *Ibid.*, Lib. VI, Tit. II, Ley xiii.

25. *Ibid.*, Lib. VI, Tit. I, Ley xv.

26. *Ibid.*, Lib. VI, Tit. II, Ley ix.

27. *Ibid.*, Lib. VI, Tit. II, Ley xii.

28. *Ibid.*, Lib. VI, Tit. II, Ley vii.

placing them on sale.²⁹ In Chile advantage was taken of the permission to enslave Indians who rebelled; therefore, the liberty of the Indians of Chile was declared in 1608,³⁰ but Philip IV found it necessary to repeat this decree in 1625 and 1663, and it was repeated by Charles II with no date given. No other decrees are given in *Recopilación* for the reign of Charles II which refer to slavery except a general law about the liberty of Indians in the viceroyalties of Perú and New Spain, issued in 1679. Under this law the viceroys of Perú were given permission to distribute Indians in *encomiendas*.³¹ By this time negro slavery had become quite common.

In 1670 Padre Diego de Rosales, a Jesuit, wrote a *manifesto apolojético* on the evils of slavery in the kingdom of Chile. He said that at first slavery in Chile was by royal permission because of a decree of 1608 stating that slaves might be made of all who were taken in war. A later decree, 1655, declared that "if said Indians of war of the kingdom of Chile return to the Church and are reduced, slavery is to cease." He said that the practice of enslaving the Indians endangered many souls. It perpetuated war because war was sometimes made on friendly Indians to give an excuse for enslaving them. There were many unjust wars, and the Indians who were taken as slaves were subjected to terrible cruelties. He thought that mestizos who were children of Spanish fathers and Indian slave mothers should be free because they inherited the state of the father. Slavery caused the Indians to take up arms in self-defense and was depopulating the realm.³²

Priestley states that there were slave-catching expeditions in New Mexico in 1659 and even later. The pueblo Indians of this province never gave much trouble, but the wild tribes such as the Apache made constant raids on the settlers. These Apache Indians were seized by the Span-

29. *Recopilación*, Lib. VI, Tit. II, Ley xi.

30. *Ibid.*, Lib. VI, Tit. II, Ley xiv.

31. *Ibid.*, Lib. VI, Tit. II, Ley xvi.

32. Solar, *op. cit.*, II, pp. 133-250.

iards when they could be caught and sold as slaves. After some raids in 1675 several were hanged, fifty were whipped, and many were imprisoned. Priestley attributes the revolt of 1680 to the treatment of the Apache.³³ In 1680 the Indians drove out the Spaniards completely and they were not conquered again for thirteen years.

It might seem that the Indians had no contacts with the Spaniards except as slaves or *encomendados*, but there were always some in the *pueblos* who worked for pay or carried on trade with the settlers. Charles I decreed that the Indians should be permitted to raise any kind of herds,³⁴ to set up markets,³⁵ and to have the privilege of free commerce with the Spaniards.³⁶ Spaniards were not permitted to bargain with the tax collectors for the crops of the Indians,³⁷ and *encomenderos* were forbidden to hinder the free selling of the products.³⁸ The decree protecting the free sale of goods was repeated by Philip II in 1567. Because of the practice of the *eclesiásticos* in taking advantage of Indians on their death beds in the matter of making wills, Philip II decreed that Indians should have freedom in disposing of their property.³⁹ The native traders were sometimes molested on their way to market and were forced to accept prices which were unreasonably low, while they were charged high prices for the goods which they purchased. The monarchs attempted to regulate these affairs.⁴⁰

Charles I permitted Indians to hire by the job.⁴¹ Evidently complaints were made about the wages that the Indian workers asked because a decree was issued in 1549 and repeated in 1552 and 1559 stating that they must be moderate in the daily wage required.⁴² The wage was to be

33. Priestley, *op. cit.*, pp. 655-70.

34. *Recopilación*, Lib. VI, Tit. I, Ley xxii.

35. *Ibid.*, Lib. VI, Tit. I, Ley xxviii.

36. *Ibid.*, Lib. VI, Tit. I, Ley xxiv.

37. *Ibid.*, Lib. VI, Tit. I, Ley xxix.

38. *Ibid.*, Lib. VI, Tit. I, Ley xxv.

39. *Ibid.*, Lib. VI, Tit. I, Ley xxxii.

40. *Ibid.*, Lib. VI, Tit. X, Leyes xi and xii; Tit. I, Ley xxvi.

41. *Ibid.*, Lib. VI, Tit. XIII, Ley xii.

42. *Ibid.*, Lib. VI, Tit. XIII, Ley ii.

paid daily or weekly as it was ageed. Philip III decreed that no Indian was to be paid in wine, *chicha*, honey, or *yerva* (a kind of tare).⁴³ The natives were allowed to make contracts for one year only;⁴⁴ hired Indians contracted for were not to be ceded to another person;⁴⁵ and if an Indian woman married while she was working under contract she was required to fulfill her contract, but her husband was to sleep at the home of her master.⁴⁶ Indian boys were permitted to work voluntarily in the weaving establishments,⁴⁷ also as shepherds.⁴⁸ The wage for these shepherd boys was fixed at two and one-half reales a week, ten reales a month, or five pesos a year to be paid in current money.⁴⁹ Indians were not permitted to work, even voluntarily, in taking out pearls and in the sugar mills because of the dangers attached.⁵⁰ The decrees ordering that the Indians working on estates or in mines should be paid have been mentioned. On July 17, 1622, Philip IV issued a decree fixing the daily wage for the Indians of the repartimiento of Chile:

The daily wage which must be paid to each Indian of a repartimiento in the four cities of Santiago, Concepción, San Bartolomé de Gamboa, and la Serena should be a real and a half each day for the time which the mita shall last, besides food; and for the Indians of the three cities of the other part of the *cordillera*, a real and a fourth, and food; and for those of the city of Castro, Chile, and its limits a real and a fourth, without giving them food because there is found very little among the inhabitants and the Indians can bring it. And we command that discounting the tribute from the daily wages, they be paid in current coin in their own hands.⁵¹

43. *Recopilación*, Lib. VI, Tit. XIII, Ley vii.

44. *Ibid.*, Lib. VI, Tit. XIII, Ley xiii.

45. *Ibid.*, Lib. VI, Tit. XIII, Ley xviii.

46. *Ibid.*, Lib. VI, Tit. XIII, Ley xv.

47. *Ibid.*, Lib. VI, Tit. XIII, Ley x.

48. *Ibid.*, Lib. VI, Tit. XIII, Ley ix.

49. *Idem.*

50. *Ibid.*, Lib. VI, Tit. XIII, Ley xi.

51. *Ibid.*, Lib. VI, Tit. XVI, Ley xviii.

The time of the mita was two hundred seven days, and by a later decree each Indian was to serve fifteen days without pay after he had served the time for the tribute.⁵² In Chile the Indians were sent out for the mita in thirds. One decree ordered that each Indian should pay the tribute for himself and two others. It was figured that at the rate of eight and one-half pesos a year for tribute this would mean twenty-five and one-half pesos for each mitayo to pay. At one real and a half it would mean one hundred thirty-six days of work for the tribute.⁵³ In the places where the daily wage was one real and a fourth, it would take one hundred fifty-three days of work because there the tribute was eight pesos per person. Counting out the fifteen days of free service which were to be given, there were few days left for which the mitayos were paid. In Tucumán, Paraguay, and Rio de la Plata the Indians who served in the personal mita were to be paid a real and a half a day and those who served by the month on estates were to be paid four and one-half pesos a month. The Indians who rowed rafts on the Rio de la Plata were to be paid as follows: from the city of Asunción to *corrientes*—four pesos; from *corrientes* to Santa Fé—six pesos; and from Santa Fé to Buenos Aires—six pesos.⁵⁴

Messía, in his memorial, discusses the daily wages at the beginning of the seventeenth century. The Indians who guarded the flocks were paid five *patacones*⁵⁵ a month including the time it took them to go out to their work but not the return trip. About one hundred Indians made the journey from Andes to Potosí for which they were paid five *patacones* a month from the time they began the journey, but their food was not furnished and no provision was made for their return. Messía figured that an Indian ate each month one-half *hanega*⁵⁶ of maize and *chuno* (a kind

52. *Recopilación*, Lib. VI, Tit. XVI, Ley xxvi.

53. *Ibid.*, Lib. VI, Tit. XVI, Ley xxiv. (Eight reales to a peso.)

54. *Ibid.*, Lib. VI, Tit. XVII, Ley xii.

55. A *patacón* was a peso of silver, weighing one ounce, cut out with shears.

56. *Hanega* or *fanega*—a dry measure, about 1.6 bushels.

of maize), valued at four patacones; the meat from one alpaca dried to make what they called *charqui* (jerked beef), valued at three patacones; and flour and a little dried fish, valued at two patacones. This would make a total of *nine* patacones necessary for a month's provisions besides vegetables and the expense of keeping their pack animals; and the pay was *five* patacones a month. In the mines of Potosí the workers earned three and one-half reales a day which amounted to three patacones a week. For six months, or twenty-six weeks, of work this would be a total of seventy-eight patacones a year. The laborers in the mines were required to pay what amounted to twenty-nine patacones in tribute, which with the grains assessed for the hospital and other extras made a total deduction of thirty-two patacones. This would leave the worker forty-six patacones for ten months of work including the four months for going and coming. His food would be gone and he was often in debt to the mine owner. The loss to his crops because of his absence, and the herds he would lose on account of forced neglect, would amount to one hundred patacones.⁵⁷

Juan and Ulloa give just as dark a picture for the latter part of the eighteenth century. They stated that on the estates the mitayos were paid from fourteen to eighteen pesos a year and a piece of land twenty to thirty varas square.⁵⁸ They were obliged to work three hundred days a year, counting out sixty-five days for Sundays and fiesta days. Each year eight pesos were taken out of the wages for tribute, which would leave ten pesos. It took two pesos and two reales to buy the cloth necessary for the rough cloak to cover his nakedness, and the Indian would have left seven pesos and six reales to maintain himself, his wife, and children and pay contributions to the church. It was not possible for the Indian to raise all that he needed for food. He was forced to buy about one-half fanega of

57. *Relaciones de Vireyes de Perú*, II, pp. 348-356.

58. *Vara*, about one yard.

maize each month from his master who charged him double the regular price. This maize alone cost him six reales a month, nine pesos a year, or one peso, six reales more than he had from his year's wages. At the end of the year he would be indebted to his master and would be compelled to work the next year to pay his debts. When an animal died, the lord of the estate divided it among the Indian laborers for so much per pound, adding to their debt, and the meat was usually so spoiled that they could not eat it. If some member of the Indian's family died, he was required to pay the priest. The master supplied this money charging it to the laborer's account, and he was kept in slavery all his life. When the prices of food increased because of drought, the wages were not increased accordingly. The writers state that this was experienced in the province of Quito during the years 1743 and 1744, when they were there. The mortality among the Indians was great, and the province was left almost desolate.

A shepherd was paid eighteen pesos a year if he had a full flock; if he had two flocks, he was paid a little more but not double the amount. At the end of each month a count was made and the shepherd was charged for all of the sheep which were missing. He guarded the flocks on the high tablelands among the lonely ravines. The settlements were three or four leagues distant. Since the Indian was forced to work in the gardens and fields of the master, he often left the flocks to his wife or little children five or six years old. It was impossible to prevent the loss of some sheep in the ravines, marshes, on the steep hillsides, or by the claws of condors. In Spain a flock of five hundred sheep was tended by a shepherd and an assistant. In Andalucía at this time a shepherd earned thirty reales a month or twenty-four pesos a year, and a subordinate earned sixteen pesos a year, forty pesos for the two. He was given bread, oil, vinegar, salt, and what was necessary for the dogs. There was a head shepherd who was provided with a horse. In Perú a flock was made up of eight hundred to

one thousand sheep which were tended by one man. He received only eighteen pesos a year from which eight pesos was taken for tribute, leaving him only ten pesos, and he had to provide for his dogs. The difference in wages could not be attributed to a difference in prices because the necessities were more expensive in the colonies than in Spain. The shepherd slept on a piece of undressed sheepskin without any pillow, and his dress was a rough cloak which he did not change even at night. His food was often a few spoonfuls of barley flour which he rolled around in his mouth and then swallowed with a large quantity of water or of *chicha*, a sort of beer made from maize; or a handful of maize boiled in water until the grain burst.

Some Indians were employed to care for the dairy herds. The milk was used for cheese, and the herders were blamed when there was a lack of milk. The workers in the woolen factories earned one real a day from which one-half real was taken to pay the salary of the corregidor. The one-half real left to the worker was not enough to pay for his *chicha* which he considered so important.⁵⁹ These accounts would indicate that conditions were not very much improved under the system of work for pay, but it is hard to tell how general these conditions were. The fact that the second ordinance passed for intendants, in 1803, admonished these new officers to free the Indians from the *mita* and see that they were paid promptly⁶⁰ indicates that abuses continued down to the eve of the revolutions. Even after the revolutions, in 1868, Miguel S. Zavala wrote a pamphlet urging that laws be made for the protection of the Indian workers, among them a law prescribing a definite daily wage.⁶¹

One cannot judge the results of the labor system in the Spanish colonies entirely by figures showing the decrease in the number of Indians because there were so many

59. Juan and Ulloa, *op. cit.*, pp. 268-277.

60. *Ordenanza General para instrucción de intendentes*, p. 115.

61. Miguel S. Zavala, *Protectorado de Indias*.

causes contributing to the depopulation. The extermination of the Indians of the Caribbean is a subject which has caused much comment from the time of Las Casas down to the present. Although it has been contended that the figures of Las Casas are very much exaggerated, the fact remains that of the Indians inhabiting the islands when Columbus came, there are almost no traces today. Bryan Edwards makes the following comment:

In estimating the number of our islanders, when first discovered by Columbus, historians widely differ. Las Casas computes them at 6,000,000 in the whole; but the natives of Hispaniola were reckoned by Ovieda at one million only, and by Martyr, who wrote on the authority of Columbus, at 1,200,000, and this last account is probably correct. Judging of the other islands by that, and supposing the population of each to be nearly the same in proportion to its extent, the whole number will fall greatly short of the computation of Las Casas. Perhaps if we fix on three millions, instead of six, as the total, we shall approach the truth as near as possible, on a question that admits not of minute accuracy. Indeed such are the accounts of the horrible carnage of these poor people by the Spaniards, that we are naturally led to hope their original numbers must have been greatly exaggerated, first by the associates of Columbus, from a fond and excusable propensity to magnify the merit and importance of their discoveries, as undoubtedly they were afterwards by the worthy prelate (Las Casas), whom I have quoted, in the warmth of his honest indignation at the bloody proceedings of his countrymen.⁶²

A. G. Keller gives the following statements in his work on colonization:

Depopulation proceeded most rapidly in the Antilles, as was natural. The islands were the first meeting ground of the two races, and the islanders were less numerous in proportion to the invaders; upon the continent, especially in Mexico, the efforts of Cortés and of the clergy were interposed to mitigate the

62. Edwards, *op. cit.* I, p. 73.

violence of racial collision where the victor knew scarcely more pity for the unmatched victim than beast does for beast . . . in the Antilles the native race was almost annihilated. In the first three years of conquest the population of Española was supposed to have been reduced by at least two-thirds. [Bourne: according to Fabie, the native population of Española was reduced much, but probably not to one-tenth of its former number, as Las Casas says]. Peschel, an experienced ethnologist and critical historian, after weighing all the evidence, places the population of Española in 1492 at less than 300,000 and at over 200,000. In 1508 the number of natives was 60,000; in 1510, 46,000; in 1512, 20,000; in 1514, 14,000. In 1548 it was doubtful if five hundred natives of pure stock remained, and in 1570 only two villages of the Indians were left. A similar fate befell all of the islands.⁶³

Although all of the authors studied and the laws themselves give evidence that the great causes of the depopulation were the cruelty of the Spaniards and the shameful practices in the name of the *encomienda* system, there were many other causes which contributed to the destruction of so many people. Keller gives these:

1. Compulsory labor under the *encomienda* system.
2. The work in the mines, often thirty to two hundred fifty miles from home.
3. Separation from families.
4. Excessive burdens on the women.
5. Short rations and cruel treatment.
6. Micro-organisms of disease.
7. Introduction of alcoholic drinks.
8. Nostalgia or homesickness because of changed environment; derangements of the reproductive system.

It is, however, perfectly evident that maladies could not have produced the extreme and continuous depopulation to which reference has been made; such quantitative injuries to population are speedily made

63. Keller, *op. cit.*, p. 265-266.

up, if life conditions are otherwise favorable. . . . The common explanation is . . . savagery of the conquests and raid, famines, heavy taxes, greed, over-loading with hard and unaccustomed labor. . . . The action of the Indians themselves is indicative. . . . They risked starvation, flight, renunciation of procreation, and infanticide.⁶⁴

Edwards, following the example of Las Casas, places almost the entire blame upon the cruelties of the Spaniards, in the following scathing words:

All the murders and desolations of the most pitiless tyrants that ever diverted themselves with the pangs and convulsions of their fellow-creatures, fall indefinitely short of the bloody enormities, committed by the Spanish nation in the conquest of the New World; . . . a conquest, on a low estimate, effected by the murder of two millions of the species. But although the accounts which are transmitted down to us of this dreadful carnage, are authenticated beyond the possibility of dispute, the mind, shrinking from the contemplation, wishes to resist conviction, and to relieve itself by incredulity.⁶⁵

Don Antonio de Ulloa, in his *Noticias Americanas*, discusses the subject of depopulation at length. A summary of the causes which he mentions is given below.

1. The terrible ravages of small pox.
2. The use of strong drink, the immoderation of the Indians, and their incapacity for self-control.
3. The repugnance to being subject to a foreign nation.
4. The forcing of the Indians to work against their wishes.
5. The mixture of races. He stated that the New World would come to be populated entirely by a mixed race which would partake of the elements of the white, black, and Indian races. In 1792 the population of Perú was made up

64. Keller, *op. cit.*, pp. 265-272.

65. Edwards, *op. cit.*, I, pp. 104-105.

mostly of mestizos, who were for the most part children of Indian mothers and white fathers. Children of white mothers and Indian fathers were rare. One reason for this was that the children of Spanish fathers and Indian mothers were exempt from paying tribute, which was not true in the case of white mothers and Indian fathers. This exemption from tribute was one of the causes of the increase in the mixed population and the diminishing of Indians of pure blood. It was a rare thing and was held as shameful for a mestizo woman to become allied again with the Indians.

6. The abhorrence of the whites for work and the hardships placed upon the few pure-blooded Indians who remained to do the hard labor.⁶⁶

Notwithstanding the terrible cruelties of the labor system, the social legislation of the Spanish monarchs was in advance of the times, regulating hours of labor, prohibiting the work of women and children under eighteen, fixing the wage, and providing for hospital care. Schools⁶⁷ and churches were provided for the Indians, and they were reduced to a form of civilization and Christianity.

CONCLUSIONS

Most of the Indian labor in the Spanish colonies of the New World came under the *encomienda* system, a type of serfdom which had its roots in feudalism and became the basis of the social and economic life of nearly all of the Spanish provinces. Under this system Indians, as vassals of the king, were allotted to Spanish conquerors and settlers as reward for services done for the crown. They were to protect the Indians and to teach them the Holy Catholic faith in return for the privilege of retaining most of the tribute which rightfully belonged to the king. Beginning with the first conqueror, Christopher Columbus, personal service was exacted in lieu of tribute, and the Spaniards

66. Ulloa, *op. cit.*, pp. 291-293.

67. *Recopilación*, Lib. VI, Tit. I, Ley xviii; Tit. IV, Ley xv.

became in reality feudal overlords with certain reservations such as had existed in the feudalism of Castile. Upon the forced labor of the natives rested the very life of the colonies, although through it the life of the native people was practically extinguished. Although the distribution of Indians was authorized by Ferdinand V and other monarchs, there were many attempts to abolish it. The legislation reiterated again and again the benevolent purposes of the system, and Las Casas and other reformers were influential in securing humane decrees; but the regulations were very poorly executed. The decrees themselves reveal numerous abuses of the Indians which continued throughout the reigns of Charles I, Philip II, Philip III, Philip IV, and Charles II. The decrees were repeated so many times that they seem more like protests than enactments to be enforced. Vigorous attempts to enforce the legislation, such as that which followed the passage of the New Laws in 1542, met with such strenuous opposition that the monarchs yielded to the desires of the colonists. The encomiendas which belonged directly to the king and those which the encomenderos lost were administered by corregidores or other royal officials who shamefully exploited the Indians. In spite of the many efforts to uproot the system, some encomiendas were still in existence at the time of the issuing of the second ordinance for the instruction of intendants in 1803. Recent legislation in the Spanish-American republics shows that the influence of the encomiendas has reached down to the twentieth century, in servile labor of the Indians.

The personal service exacted of the Indians who were entrusted to the Spaniards took many forms: domestic service, labor in the fields, care of the flocks and herds, carrying burdens over the rough trails, weaving blankets, work in sugar mills, gathering coca leaves, and plying canoes and rafts on the rivers. Although the orders from the monarchs and the Council of the Indies regulated hours of labor, required that the laborers be paid, and provided humane measures, the reports of the viceroys and other

contemporary writers reveal the fact that the actual sufferings of the Indians were great.

The most destructive type of labor was that in the mines. Although the monarchs decreed that the Indians working in the mines should be paid, they permitted forced labor because they felt the necessity for the income from the mineral wealth of the American colonies. The Indians were taken far from their homes to take their turns under a mita system, and many never returned. The work was dangerous and the treatment cruel; but the monarchs received a steady flow of silver and gold from the royal fifth.

Gradually the Indian laborers were brought under a system of work for pay, and the wages were explicitly regulated by royal decree. The pay, however, was inadequate for the necessities of life, and so many deductions were made for tribute and special contributions that the helpless laborers were constantly in debt to Spanish landholders and mine owners. Actual slavery of the Indians existed during the first century of colonization, but after the middle of the seventeenth century negro slavery had taken its place to a large extent.

The Indians of the islands of the Caribbean were almost exterminated during the period of Spanish domination, and those of the mainland were greatly reduced in numbers. Although the cruelty and greed of the colonists were the principal causes of this depopulation, there were many other reasons for it; such as, civil wars, disease, strong drink, mixture of races, and pestilence. The story of the Spanish conquest and colonization, however, is not solely a tale of a succession of black deeds, for the *conquistadores* and their monarchs did much for the benefit of the Indians. Even before the settlement of the first English colonies in the New World, Spain had provided schools, churches, and local village government for the Indians. By that time labor legislation had been passed which it has taken many centuries to enact.

THE BATTLE OF VAL VERDE¹

Contributed by COLONEL M. L. CRIMMINS

THE affair at Val Verde, in which G troop, acting as artillerists under the heroic McRae, participated with so much honor to itself, its regiment, and the corps to which it legitimately belonged, is described by one who took a distinguished part in that battle—Colonel Joseph McC. Bell—and who, at the writer's request, contributes the following graphic account:

“After preliminary skirmishing for the few days preceding the battle of Val Verde, the force concentrated at Fort Craig, under the command of Brigadier-General E. R. S. Canby, consisting of portions of the Fifth and Seventh Regiments U. S. Infantry, parts of the Second U. S. Dragoons and Third U. S. Cavalry, and the New Mexican Volunteers, First and Second Regiments, was moved out of post at five o'clock A. M. the 21st of February, 1862, the column marching under command of Colonel B. S. Roberts, making its way north along the valley and east bank of the Rio Grande, the light battery of six guns known as McRae's Battery, composed of Company G, Second U. S. Dragoons, and Company I, Third U. S. Cavalry (Captain Alexander McRae commanding, with subalterns Lieutenants Lyman Mishler and Joseph McC. Bell), occupying a central position in the column. The movement of the enemy, under command of Rebel General Sibley (formerly Captain of the Second U. S. Dragoons), being known, we anticipated battle, and hoped to check the march of the Rebel force towards the upper country. At about six o'clock A. M., while the main body of our troops were leisurely making way along the river-bottom, orders from the front sent us along at a gallop, with the battery, into position on the west bank of the Rio Grande, opposite to a battery already established

1. *From Everglade to Cañon with the Second Dragoons*, pp. 239 ff. By Col. Theophilus Francis Rodenbough. Van Nostrand, New York, 1875.

by the enemy in a grove of heavy timber on the east bank of the stream, the distance between the batteries being about four hundred yards. In this position the light battery commenced its operations, and here successfully maintained itself during the morning, dislodging the opposing battery and forces, and clearing the east bank of the river so effectually as to enable the passage of the infantry forces and an occupation of the east bank. The exposed position of McRae's battery was not maintained without considerable loss, both in men and horses, which, however, seemed rather to inspire to greater efforts and greater enthusiasm. The prominence taken by the light battery early in the day was its destiny during the balance of the fight, and concentrated upon it the attention as well as the earnest efforts of the enemy. Under the personal supervision of Colonel Roberts, the operations of the light battery were carried on until mid-day without change of position, when we were moved to the east bank, the cavalry and infantry forces having already crossed the river. The 'wear and tear' of the morning required repair, both in men and horses; while the well-emptied limbers and caissons needing attention, the short respite after crossing was used in that way. In this second position the part taken by the battery was confined to occasional firing upon the enemy's cavalry and lancers, which were being massed some distance away.

"At this time the arrival of General Canby upon the field relieved Colonel Roberts of command, while a partial rearrangement of troops was made, which advanced McRae's battery to the front and extreme left of the line of battle, it being supported by two companies of the Fifth and Seventh Infantry, two companies Second Colorado Volunteers, with the First Regiment New Mexican Volunteers, commanded by Colonel Kit Carson, in reserve. In this last and third position of the battery the lay of the ground was such as to place it most disadvantageously for its free operations—crowded and hampered, and making a change of front, should the occasion arise, almost impossible. Hardly

had we taken position when, under orders from General Canby (who made his headquarters with us for the rest of the day), firing was commenced upon our side, which discovered two *masked* batteries of the enemy, situated in an old bed of the river, and enclosing our position distant some one hundred yards. The formation of this old river-bed gave ample protection to their guns and gunners, while their enfilading fire on our entirely exposed command was most destructive to men and horses. This terrific fire of canister swept through us for some time (the battery supports meantime lying protected in the rear, as their presence could be of no assistance), when a body of the enemy, numbering some twelve or fifteen hundred men, rose from behind the old river-bank, and charged us. To describe this charge would be but to tell of many similar ones during the war, in which wild ardor and determination were the moving features.

“On they came, without order, each man for himself, and the ‘devil for the vanquished,’ in true ‘Ranger’ style, down to almost the muzzles of our guns. Our New Mexican allies had, upon the first fire of the enemy’s batteries, fled to a more secure position on the west bank of the river; nor did they rest there, but continued their flight to still more distant quarters, leaving their gallant Colonel, Carson, and a few of his officers to do independent service in the battery. The remaining handful of the battery supports adding their efforts to ours, the enemy was driven back to cover again. Then again the Texan batteries opened with this same unsavory diet of canister, and we replied in kind, preparing for the next onslaught that was sure to come. And it did come, with larger numbers and more violence than before; and again, with double-shotted guns, they were driven back, but leaving us little able to resist successfully such another effort. In this second charge Captain McRae² and Lieuten-

2. This officer refused to surrender, but, seated upon a gun coolly emptied his pistols, each shot counting one Texan less, until, covered with wounds, he expired at his post. In the Confederate reports of the battle the enemy bears involuntary testimony to the heroism of McRae and his command.—Editor.

ant Mishler were killed, Lieutenant Bell thrice wounded, and certainly one-half the men and two-thirds of the horses either killed or *hors de combat*. The charging party of the enemy regaining their position behind the old river-bed, we were again treated to another and more continuous fire from their batteries, which we feared was but the introduction to another charge from their reinforced numbers. We hadn't long to wait for the *coup de main*. Down they came upon us, rushing through the fire poured into them, with maddened determination, until the whole force was inside the battery, where hand-to-hand men were slaughtered. Simultaneous with this third charge, a column of the enemy's cavalry moved upon our left flank, which commanded the attention of our infantry supports, leaving our thinned but enthusiastic battery-men to resist as well as possible the Texan force among us. At this juncture, when the battle was going hard with us, our reserve cavalry (a small squadron under command of Lieutenant Lord) was ordered, as the most available force, to charge into and occupy the battery until a portion of the Fifth Infantry could be brought from another part of the field. This movement was not a success, as it was found impossible for the cavalry to do anything amid the mass of struggling men, without riding down friend and foe alike; and having ridden close to the battery, their direction was changed to the rear. This movement, although made with the best intentions seems to have changed the whole spirit of the fight, from energetic determination to disappointment on the one side, and from wavering efforts to renewed exertions on the other. At this sorry period of the fight, with a large number of our men killed and wounded, horses dead and disabled, our supports badly thinned, and the enemy massing their forces upon us, General Canby gave the order to fall back. It was not possible to carry the whole of the battery with us, and but two guns and three caissons were taken across the river, under the fire that was poured into us by the Texan troops lining the east bank of the stream.

"Thence the whole command fell back to Fort Craig, and was put into shape to resist any attack that might be made upon the fort. Thus ended the battle of Val Verde, in which McRae's battery took so conspicuous a part.

"Too much praise cannot be given to the companies of Second United States Dragoons³ and Third United States Cavalry, manning the battery, for the part they took in the fight. *Failing in no duty, regardless of themselves, and having in view the honest performance of all that was to be done, they bore themselves as men of courage through the day*, and the regiments to which they belonged can claim with pride a participation in the battle of Val Verde, notwithstanding its *finale* was a defeat to our arms, although amply recompensed in the following successes of the campaign of New Mexico."

3. The casualties in G, Second Dragoons, comprised nine (9) enlisted men killed, eight (8) wounded, and two (2) missing.



ADOLPHE F. A. BANDELIER

BIOGRAPHICAL SKETCH AND BIBLIOGRAPHY OF ADOLPHE FRANCIS ALPHONSE BANDELIER

By F. W. HODGE

THE subject of this sketch, who laid the foundation for research in the archaeology and early history of the Southwest more than half a century ago, was born in Bern, Switzerland, August 6, 1840, and died in Sevilla, Spain, March 18, 1914. His early formal education was very slight, and he never attended school after his eighth year. He was brought to the United States as a boy by his father, who had been an officer in the Swiss army and who settled at Highland, Illinois, where he engaged in banking. In 1857 his father sent him to Bern, where he studied geology under Professor Studer of Bern University. On his return to Illinois the young man was associated with his father in banking and mining enterprises; but he soon learned that the humdrum life of a man of affairs was not to his liking, consequently, always being a student, he turned his attention to ethnology and archaeology, thus following the footsteps of his two distinguished countrymen, Albert Gallatin and Albert S. Gatschet, pioneers in elucidating the problems of Indian languages, and reflecting in his studies the direct and lasting influence of Lewis Henry Morgan, "Father of American Ethnology," of whom Bandelier has been characterized as the "most militant advocate and defender," and to whom he was fond of referring as his "revered teacher."

From his youth Bandelier engaged in the study of the early history and ethnology of Latin America, and when only twenty-three years of age showed his familiarity with the literature of these subjects in letters to Morgan. In 1877 he widened his knowledge by extensive travel in Mexico and Central America, a part of the product of which was the publication of papers from 1877 to 1879 on the ethnology of the ancient Mexicans. These influenced the Executive Committee of the newly-organized Archæological In-

stitute of America to appoint him to conduct special researches in New Mexico and to refer to him as "marked by sound judgment and correct methods of historical interpretation," and to have "shown a minute and familiar acquaintance with the existing sources of information concerning the conditions of the native races at the time of the Spanish Conquest." Continuing, the Committee said: "Thoroughly equipped in this respect and possessing a knowledge of several European languages, and a fondness for linguistic studies which qualified him for the ready acquisition of native dialects, he has also the advantage of an enthusiastic devotion to his favorite studies, a readiness to endure any hardship in their pursuit, and a capacity for adapting himself to any necessity."

Proceeding to New Mexico in 1880, Bandelier's first attention was devoted to the ruins of the pueblo of Pecos, the results of which were published in 1881 (second edition, 1883) in connection with an "Historical Introduction."

From Pecos, Bandelier extended his researches to the Keres pueblo of Cochití, where he remained two months on terms of such familiarity and inspiring such confidence that he was adopted into tribal membership. "My relations with the Indians of this pueblo," he wrote, "are very friendly. Sharing their food, their hardships, and their pleasures, simple as they are, a mutual attachment has formed itself, which grows into sincere affection. They begin to treat me as one of their own, and to exhibit toward me that spirit of fraternity which prevails among them in their communism. Of course they have squabbles among themselves, which often reveal to me some new features of their organization; but on the whole they are the best people the sun shines upon." This sojourn at Cochití was the beginning of several which brought to the observer a keen insight into the life and customs of these villagers, and which, with similar observations among the Tewa, especially at San Juan, finally resulted in "The Delight Makers," published in German early in 1890 and in English that same year. This novel of

early Pueblo life, shrouded under a title that affords little clue to its contents, did not meet the appreciation it deserved until years later, when much greater interest was taken in the Pueblo Indian tribes, making necessary a second edition in 1916 and a reprint two years later. It was Bandelier's belief that only by presenting the results of ethnologic study in the guise of fiction would they be read by the layman.

The opportunity being afforded the Archæological Institute of sending a representative to join in the researches of the Lorillard expedition to Mexico and Central America under Désiré Charnay, Bandelier temporarily suspended his New Mexico investigations, and in February, 1881, proceeded to Mexico, only to find that Charnay had ceased operations and was about to return to France. Bandelier thereupon proceeded to Cholula, where he spent four months in studying its famous pyramid, the customs and beliefs of the native inhabitants, and especially those respecting the deity Quetzalcoatl, for whose worship Cholula was particularly celebrated. In June he visited Mitla, and later Tlacolula and Monte Alban, and after preparing a report on his Mexican observations, which was published in 1884 by the Archæological Institute under the title "An Archæological Tour in Mexico in 1881," returned to the United States in March, to resume his observations on the Pueblos and their remains, a report on which was issued by the Institute in 1883. Bandelier continued his studies along the same general lines from 1883 to the winter of 1886, meanwhile (in 1885) making Santa Fe his home in order to be in more immediate touch with the field of his observations. During these years he penetrated almost every corner of New Mexico, southern Arizona, Sonora, and Chihuahua, and explored the country even farther southward in Mexico, visiting and describing hundreds of ruins and surveying and mapping many of them. His travels throughout this vast area were almost exclusively afoot and frequently were fraught with danger. More than once he was beset by hostile Indians, including a band of Apache while on a raid, and on one of these occa-

sions his life was spared only because he simulated insanity. During one of his journeys he was afflicted with smallpox, and again, in 1882, had a narrow escape from death in a midwinter blizzard in the desert of eastern New Mexico, where his two companions perished, but his own hardihood enabled him to brave the storm and to reach safety after journeying 93 miles on horseback and 35 miles afoot through deep snow. So persistent was Bandelier in carrying out his plans of exploration and study, no matter what the personal risk, that several times he was reported to have been killed. He traveled armed only with a stick a meter long and graduated for measuring ruins, and relied on the meager hospitality of a pitifully unsettled and arid country for the means to keep body and soul together. Only by one who knows the difficulties of travel in the field of Bandelier's researches half a century ago, can the trials experienced by this earnest and enthusiastic student during the years of his labors be comprehended.

Limitation of space forbids at this time an extended review of Bandelier's investigations in our Southwest and in Mexico. But he who would may read the published accounts of this remarkable man's scholarly efforts, for during his most active years he wrote prolifically of the results of his studies. No small part of his ambition was to upset the popular theories respecting the history, archaeology, and ethnology of the great Southwest. To this end he destroyed the fanciful notions regarding the "Aztec" origin of various Pueblo ruins, the "Montezuma" myth among the Pueblos, the age of the city of Santa Fe, the mystery of Quivira and of the "Gran Quivira," the location of the Seven Cities of Cibola, the routes of various early Spanish explorers, and many other fallacious beliefs, and was the first to offer scientific evidence, based on his broad scholarship and remarkable ability in the utilization of source material, to settle once for all the varied problems concerning the condition and range of the Pueblo and other tribes before and after the beginning of the Spanish period. As to the enduring

value of Bandelier's work, the present writer, who has dabbled in a limited area of the same field, can confidently say that no study pertaining to the history of the tribes of our Southwest and of northern Mexico should be conducted without utilizing the product of Bandelier's researches as a foundation. His sane and acute sense of discrimination in interpreting the *intent* of early Spanish explorers and missionaries, his unequalled familiarity with the country, the sources of material, and the Indians themselves, and his remarkable power of analysis, have been the means of placing in the hands of present and future students the materials for more intensive work without which their tasks would be arduous indeed.

From time to time Bandelier prepared various accounts of the progress of his investigations in the Southwest, which were incorporated chiefly in the annual reports of the Archæological Institute, although several valuable papers appeared in various periodicals, while some of his knowledge was embodied in brief articles contributed to the "Century Cyclopedia of Names" and, more recently, to "The Catholic Encyclopedia." What may be regarded as his magnum opus, however, is the "Final Report of Investigations among the Indians of the Southwestern United States, Carried on Mainly in the Years from 1880 to 1885," Part I of which was issued by the Archæological Institute in 1890, and Part II in 1892. Of equal importance, from the historical point of view, is his "Contributions to the History of the Southwestern Portion of the United States," published also by the Archæological Institute in 1890, partly at the expense of Mrs. Mary Hemenway.

Although the two investigators had been working along related lines in the same field for about three years, Bandelier and Cushing did not meet until 1883, but from the moment of their contact at the Pueblo of Zuñi, where Cushing, in the prosecution of his studies, was then leading the life of an Indian, a warm friendship sprang up which ceased only with Cushing's death in 1900. In Bandelier's judg-

ment the only way in which ethnological researches can be conducted successfully is by long and intimate life among the people to be studied, in the manner then being pursued by Cushing. In Bandelier's estimation Cushing was the only American ethnologist who ever "saw beneath the surface" of the Indians, who was able to think as the Indian thought. In the words of Bandelier, written in 1888, "the value of Mr. Cushing's results does not lie so much in establishing a direct connection between such and such tribes; it establishes a *method of research* unknown heretofore,—one which leads to connections as well as to discriminations hitherto unnoticed."

With mutual appreciation of their respective endeavors, there is little wonder that, when in 1886 the Hemenway Southwestern Archæological Expedition was organized under the patronage of the late Mrs. Mary Hemenway, of Boston, and under the directorship of Cushing, Bandelier was selected as its historiographer. During the next three years he applied himself assiduously to a study of the Spanish archives relating to the Southwest, not only in Santa Fe, but in the City of Mexico and elsewhere. On the termination of the Hemenway Expedition in July, 1889, Bandelier's collection of copies of documents, together with a few originals, comprising in all about 350 titles, was deposited in the Peabody Museum of Harvard University.¹ In 1887-88 he prepared, in French, an elaborate manuscript history of 1,400 pages, illustrated with 400 water-color sketches, of the colonization and the missions of Sonora, Chihuahua, New Mexico, and Arizona, to the year 1700, at the instance of Archbishop Salpointe, who offered it to Pope Leo XIII on the occasion of the Pontiff's jubilee, and it now reposes in the Vatican.

In July, 1892, Bandelier went to Peru to engage in archæological and historical researches under the patronage

1. See The Bandelier Collection of Copies of Documents Relating to the History of New Mexico and Arizona. *Report of the U. S. Commission to the Columbian Exposition at Madrid, 1892-93*, pp. 304-326. Washington, 1895.

of the late Henry Villard of New York; these were prosecuted under Mr. Villard's patronage until April, 1894, when the important collections which had been gathered were given to the American Museum of Natural History, and the investigations were continued by and for that institution, Bandelier's field of operations being now shifted to Bolivia. Meanwhile, soon after their arrival in Peru, Mrs. Bandelier died, and in December, 1893, at Lima, our explorer married Fanny Ritter, an estimable and charming woman, who, by reason of her linguistic training, her appreciation of the problems to the elucidation of which her husband was devoting the remainder of his life, and the breadth of her intellect, was a helpmate in every sense to the day of his death. In Bolivia Bandelier and his wife visited the ruins of Tiahuanacu, where many valuable collections were obtained and the structural details of the ruins studied and platted. Returning to La Paz the couple explored the slopes of Illimani, where, at an altitude of 13,000 feet, other valuable collections were gathered from the ruins and burial cists. In December of the same year Mr. and Mrs. Bandelier visited the island of Titicaca, where three and a half months were spent in archaeological and ethnological investigations; subsequently similar important work was conducted on the island of Koati.

Bandelier returned to the United States from South America in 1903, when he became officially connected with the American Museum of Natural History and undertook the task of recording his South American work for publication. He was also given a lectureship in Spanish American Literature in its connection with ethnology and archæology, in Columbia University in 1904. In 1906 he resigned from the American Museum and accepted an appointment with the Hispanic Society of America, under the auspices of which he prepared and published several contributions to South American history and archaeology. During a period of about three years, from 1909 to 1911, Bandelier suffered practically total blindness from cataract, but he continued

his work, with the aid of his wife, who now became eyes and hands to him. During this period of darkness the most important of his writings on South American history and archaeology, "The Islands of Titicaca and Koati" (New York, 1910), was published by the Hispanic Society.

In October, 1911, Bandelier was appointed research associate in the Carnegie Institution of Washington for the purpose of enabling him to complete his studies of the Spanish documentary history of the Pueblo Indians, under a grant to extend for a period of three years. Proceeding to the City of Mexico, he was there engaged for several months, aided by his wife, in transcribing early documents pertaining to the subject of his investigation. He returned to the United States in 1913, and in the autumn of that year sailed for Spain for the purpose of continuing his researches in the archives of Madrid, Sevilla, and Simancas. In these investigations he was engaged at the time of his death.

In personality Bandelier was as simple as a child; he detested sham and charlatanry, was immovable in his friendship, and was an implacable enemy; he was the soul of generosity and hospitality, and was often saved from his troubles (which at times, owing to an extremely sensitive nature, he was wont to exaggerate) through a remarkably effulgent humor. Modesty was one of his strongest characteristics; he abhorred notoriety, and rarely spoke of his personal achievements or of the dangers to which he had often been exposed during his work, except to a few intimates. He cordially disliked titles, and especially that of "Professor"; when thus addressed he is known to have said, "I *profess* nothing—if you would attach a handle to my name, let it be 'Mister.'" And when he was addressed as "Doctor," his reaction most likely would be, "Don't 'doctor' me; I'm in perfectly good health, thank you!" He equally detested to hear his name pronounced in any but the French way. He was sometimes hypercritical, as when he referred to H. H. Bancroft as "the great wholesale book manufactory



BANDELIER AT THE CHURCH (since destroyed) IN SANTO DOMINGO PUEBLO

at San Francisco who threatens the world with another senseless, brainless compilation"; but this was long before the extreme usefulness of Bancroft's great work became widely recognized.

The value of Bandelier's scientific work has already been inadequately appraised in this all too brief sketch of the life and activities of the eminent scholar. There can be no question that the product of his untiring mind during a period of nearly forty years will stand the test of time, although Bandelier himself, with characteristic modesty, once expressed the fear that the results of his Southwestern labors, at least, might not eventually prove to be worthy of his efforts. Those who knew Bandelier and the importance of his researches will agree fully with the expression of a companion in the South American field and a long-time friend:

"Fully conscious of the results of his absolute thoroughness of work, he was averse to notoriety; he cared only for the verdict of the Scientific world—and even for that, not enough to pursue it. He was a man essentially modest. Had he not been, he would have been blazoned throughout the world, as far less eminent scholars have been. As it is, his monument is his work, and the love and reverence of those who knew him and his achievements. . . His extraordinary intuition was balanced by a judicial quality no less rare, which characterizes not only his own writings but his own estimate of his own work. His tireless and conclusive investigations upset many theories, and made him a target of much controversy, of which much was not of the same temperate and equitable quality. His work throughout is distinguished no less by its deep and definitive learning, than by the moderation, gentleness, and justice with which he disposed of theories and statements advanced with less honest revision."²

2. Charles F. Lummis in *El Palacio*, Santa Fe, N. Mex., April-May, 1914.

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[82]

[The journals of Adolph Bandelier, 1880-1914. I, The Southwest. II, Mexico. III, Peru and Bolivia. Edited by Fanny R. Bandelier.]

[83]

The editing of Bandelier's journals, covering a period of thirty-four years, is in progress by his wife, with a view to their publication in three volumes by Fisk University, Nashville, Tenn., with which Mrs. Bandelier is associated. The titles above given are only approximate.

TEN YEARS AFTER

PRINCE, LE BARON BRADFORD (July 3, 1840—December 8, 1922), statesman, author, historian, jurist, orator, anti-quarian, is rightfully claimed by two commonwealths, New York and New Mexico. The former gave him birth, schooling, and his first experience in politics and as a legislator, and there he died and was buried. Of the latter he was a citizen and to it he gave his mature years, impressing upon its laws and development his dominant personality during a plastic period of transition. Prince was born at Flushing on Long Island, New York, where he also died. He was the son of William R. and Charlotte G. Collins Prince, who bestowed upon him pride of ancestry and scholarly tastes. His mother, a lineal descendant of Governor William Bradford of Plymouth of Mayflower fame, was the granddaughter of Governor Bradford and daughter of Governor Collins of Rhode Island. On his father's side, the Prince family had taken prominent part in Queens County affairs, an interest which the son maintained throughout life. He was only eighteen when he founded the Flushing Library, he was thirty when he organized the Flushing St. George Brotherhood, he was forty-six when he conceived the Flushing Civic Association, and it was to Flushing he went frequently from Santa Fe until his last visit which was there terminated by death. His first published work was "The Agricultural History of Queens County" (1863).

It was while a student at Columbia University Law School that he wrote "E Pluribus Unum or American Nationality," published by G. P. Putnam & Son in 1867, a year after Prince received his LL.B. degree. It was this book which immediately gave him a place among Republican leaders of New York who clung to the conservative, traditional interpretation of the Nation's fundamental law. Colorado College and Kenyon in later years conferred on him the Doctorate of Law. Delegate to New York Repub-

lican state conventions for twelve years up to 1878, he was a delegate also to the National convention which nominated Grant for the Presidency and served on the State Republican committee during the campaign. Elected to the State Assembly in 1870 from what was then a Democratic bailiwick, he was re-elected successively until in 1875 he was sent to the State Senate by large majority. As chairman of the Judiciary Committee he conducted the impeachment trial of two judges and formally presented the charge of high crimes and misdemeanors against Judge Barnard at the bar of the State Senate. He was father of the amendments of 1874 to the New York state constitution and many years later succeeded in embodying features of New York's constitution and laws in New Mexico's statutes and the rejected constitution formulated during his term as governor of the territory. Sent to the Republican National Convention of 1876, he broke with Roscoe Conkling, a breach which was the determining factor in the acceptance in 1879 by Prince of the chief justiceship of New Mexico which was tendered him by President Hayes although Prince had previously declined the governorship of the territory of Idaho.

Although chief justice, his duties included those of district judge of the First Judicial District covering six counties of the territory, in area comparable with the State of New York. It was the day before railroads and paved highways, a day when juries were still Spanish-speaking and the business of the courts was conducted through interpreters. Riding the circuit involved hardships and privations which were novel to the scholar and jurist from exclusive Long Island social circles, experiences to which Prince adjusted and adapted himself quickly until his love for his adopted commonwealth became a ruling passion for almost half a century. He soon was known as the hardest working judge that the New Mexico bench had known, sitting from eight in the morning until eleven at night with only an hour's recess each for noon and evening meals.

Still, he found time to prepare and publish a much needed compilation of New Mexico statutes, until then a conglomerate accretion from the days of the Kearny Code and including the fragments of the civil law remainders of Spanish and Mexican sovereignty and a hodge-podge of legislative enactments in two languages in quaint phraseology of primitive irrigation, mining and community customs and rights. This compilation became the basis for future legislative enactments and compilations.

In 1882 Prince resigned from the Bench. Defeated for Congress in 1884, he devoted himself to the practice of law, historical research, civic development, church government, public speaking, writing for the press and the authorship of books, fruit raising, mining and financial operations, the wonder being that among his multitudinous activities he maintained a high degree of scholarship and even profundity. He collected assiduously Americana of archaeological and historical interest and became the owner of a fine collection of autographs of world celebrities. He gave generously of his time and effort to movements for the attainment of statehood by New Mexico. When this was finally granted New Mexico, he wrote and published *Struggle for Statehood*, the authoritative volume on the subject. He found time to conceive and supervise a magnificent historical pageant in 1883, a Tertio-Centennial celebration, at Santa Fe, New Mexico's capital. That year he was elected president of the New Mexico Historical Society, a place he held until his death, and which brought him the vice-presidency of the National Historical Society, honorary memberships in the American Numismatic and Archaeological Society, the Missouri, the Kansas, the Wisconsin Historical Societies, corresponding memberships in the Texas and the Minnesota Historical Societies, trusteeship of the Church Historical Society, and connection with other associations which he prized highly.

In the spring of 1889, President Harrison, persuaded by the promptings of financial and important railroad inter-

ests, but over the protests of many New Mexico Republican leaders, appointed Prince governor of the territory. During the first year of the administration, a constitutional convention formulated a fundamental law submitted to Congress for ratification but rejected by overwhelming majority at the polls. The legislative assembly at his suggestion passed the first comprehensive public school law. The University of New Mexico and other state educational institutions, of all of which Governor Prince was an ex-officio member of the board of regents, were founded and fostered. Politically, the Prince administration of four years was stormy, socially it was brilliant, Governor and Mrs. Prince making the historic Palace of the Governors in Santa Fe, which they occupied, a replica socially of the White House at the National Capital, entertaining lavishly many famous visitors from afar, at the same time making it a treasure house of archaeological and historical material and a salon where gathered officials, politicians, artists, writers and other celebrities of various nationalities and including even Indians.

After his retirement as governor, in 1893, Governor Prince gave much of his time to the furtherance of western movements, his vigorous advocacy of the free coinage of silver at a ratio of 16 to 1, putting him out of alignment with the stalwart leaders of his party. He presided repeatedly over the Trans-Mississippi Congress, the International Mining Congress, the National Irrigation Congress, the American Apple Congress, his orchard in the Española valley north of Santa Fe being famed for the choice fruit he grew. He represented New Mexico effectively at the Chicago, the Omaha and the St. Louis Expositions. He founded and presided over the New Mexico Horticultural Society and the Society for the Preservation of Spanish Antiquities. In 1909 he was elected to the territorial council and presided over the first Republican state convention although denied membership in the constitutional convention. President of the Spanish-American Normal School from 1909 to

1912, he also had been president of the Board of Regents of the New Mexico College of Agriculture and Mechanic Arts for five years.

In the Protestant Episcopal Church, Prince was a lay reader and diligent member of the Church of the Holy Faith in Santa Fe. He attended the general convocations of his church and was credited with originating in 1880, the American Church Building Fund. He was chancellor of the New Mexico diocese, president of the Association of Church Chancellors and first president of the Laymen's League.

As an orator on anniversary occasions and keynoter at political conventions, Prince enjoyed considerable vogue and some popularity although his addresses as a rule were erudite. He made the Tercentenary Mayflower address at Plymouth, Mass., on November 20, 1920. In Masonry he was deputy grand master in New York, was a member of the Society of Cincinnati, of the Mayflower Descendants, of the Colonial Wars, of the Sons of the American Revolution, of the War of 1812, and of various scientific, historical and civic associations, in all of which he took more than nominal interest and with officers and members of which he was in active correspondence.

Prince was married twice. Hattie E. Childs became his first wife on December 1, 1879, and died within three months. On November 17, 1881, he married Mary C. Beardsley of Oswego, N. Y., like himself of Mayflower and Revolutionary descent. She died on Christmas day, 1925. A son, William R., is the sole survivor of the couple.

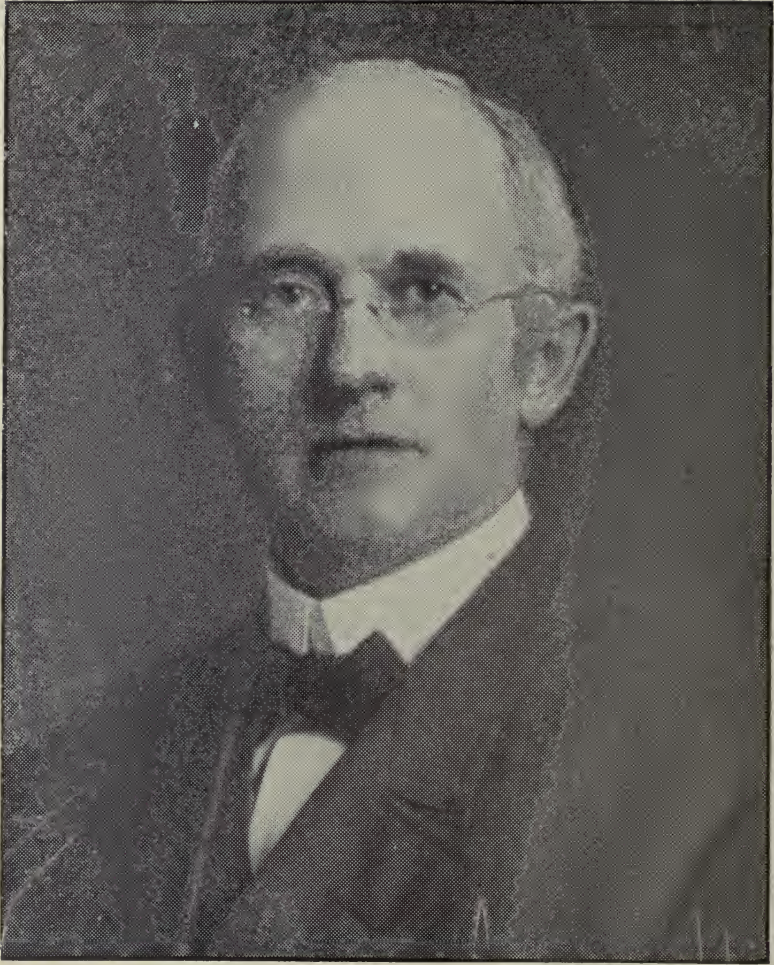
Prince had a talent for expressing himself in writing. He wrote a small but legible hand with plenty of space, as a rule, between the lines to permit interlineations for he would revise his manuscript carefully and even after the dawn of the age of stenographers and typewriters preferred to put down his thoughts in long hand. He sent many communications on various topics to newspapers in New Mexico and New York, occasionally wrote for magazines; but it is

Spanish Mission Churches of New Mexico, first published in 1915, which has had the greatest vogue and which has gone into a second edition. His *A Concise History of New Mexico* also had two editions. Besides the books already mentioned a Prince bibliography includes: *Historical Sketches of New Mexico*, 1883; "A Nation or a League," 1884; "The American Church and Its Name," 1886; "The Money Problem," 1896; "Stone Lions of Cochiti," 1903; "Old Fort Marcy," 1911; *Students' History of New Mexico*, 1915; "Abraham Lincoln, the Man," 1917.

Governor Prince was of fine appearance, goodly stature, wore a full beard, was genial, hospitable, an entertaining conversationalist, tenacious in his views, and, although often involved in acrimonious controversies, was even-tempered, self-controlled in debate, and skillful in overcoming open or under-cover opposition.

PAUL A. F. WALTER.

Sources: Twitchell, Ralph E., *Leading Facts of New Mexican History*, II, 502-509; L. Bradford Prince, *A Concise History of New Mexico*, 207-209; *Who's Who in America*, xii, 2529-2530; Memorial Address by Frank W. Clancy before the Historical Society of New Mexico, April 23, 1923; newspaper files in the Historical Society of New Mexico Library, and a personal acquaintanceship extending over almost a quarter of a century.



FRANK WILSON PARKER

FRANK WILSON PARKER

THE death of Frank Wilson Parker, on August 3rd, 1932, ended a career of public service unparalleled in New Mexico; rarely equalled elsewhere.

The election of William McKinley, in 1896, called for reorganization of the New Mexico territorial government. Its judiciary then consisted of a chief justice and four associate justices. Each presided over a district court, trying causes arising under both territorial and federal laws. Together, they constituted the supreme court and exercised the appellate jurisdiction.

As one of the associate justices, the presidential choice fell upon Judge Parker. He took his seat at the regular January session of the supreme court in 1898; a seat he retained on the state supreme court and vacated only when final illness overtook him in July, 1932.

It was a young man to whom had come this honor and upon whom had fallen this responsibility. Yet the selection was wise. He was a trained and seasoned lawyer. Educated to the common law at the University of Michigan, seventeen years of practice in New Mexico had educated him to a jurisprudence having as its background the civil law of Spain and Mexico. The peculiar institutions of the native people, legal and political, the ways of mining camp and of range, were no mysteries to him. In character and in temperament he was incomparably fit. Presidents Roosevelt and Taft were content to renew his commission. The people three times elected and re-elected him. His present term would have continued another four years.

Judge Parker was born October 16, 1860, at Sturgis, Michigan. His grandfather, John Parker, had settled there as a pioneer of the then West, traveling from the old home in Chester County, Pennsylvania, by lake boat from Cleveland to Toledo, thence by ox team to the new home. In this migration Judge Parker's father, James Wilson Parker, had

participated as a babe of eighteen months. Arriving at manhood he had married Marie Antoinette Thompson, a native of Sturgis.

The pioneer spirit thus inherited by Judge Parker brought him to New Mexico as a youth of twenty. He had been reared on the parental farm, had attended the Sturgis high school, had received some academic training in the University of Michigan, and had been graduated, in 1880, with a bachelor's degree from its law school.

As Judge Parker approached graduation at Ann Arbor, the territorial assembly in distant New Mexico was resolving:

* * * that the legislature of New Mexico observes with pleasure and satisfaction the completion of a line of railroad to the City of Santa Fe, the capital of the territory, and the rapid extension of the same southward through the great valley of the Rio Grande.

That this event may well be regarded as the most important in the history of the territory, as the beginning of a new era, in which through the development of its resources and the improvements which are certain to follow the establishment of means of rapid communication with other parts of the country, New Mexico may be expected soon to take her position in the American Union to which she is by nature justly entitled.

If this resolution did not reach the young law student, the promise of it did. The railroad which thus inspired the hopes of New Mexico, found in him an early patron, a passenger for Socorro. There he was soon admitted to the bar.

Fifty-one years have wrought change. The legislative hopes have seemed at times immediately to be realized, at times to have been false. The backsets and disappointments merge, however, in a net result of progress.

In 1881, the population of the territory was about 120,000; that of Albuquerque, about 3,000. American sovereignty was thirty-five years old; the territorial govern-

ment, thirty. The common law had been "the rule of practice and decision" but five years. The statute law, adopted for the most part in a language he did not understand, and imperfectly and quaintly translated, reflected at every turn the customs, ideas and institutions of Spain and Mexico, strange to the newcomer. The legal conception of marriage and property rights was different. The husband enjoyed the power of absolute disposition of the acquest (community) property. Parents could disinherit children only for enumerated causes, such as for "having laid violent hands upon them," for "accursing them," for "having given cause for the great waste of their estate," for "having accused them of * * * crime," for "not furnishing them with the means to free them from prison, being able so to do," for refusing to "succor and aid his ancestor who may have become deranged, and is roaming about," or for "not redeeming them from captivity, being able so to do."

Compared with peaceful Sturgis, Socorro was rough and lawless. Judge Parker has often remarked upon the important jurisdiction then and there exercised by "Judge Lynch." The territorial assembly following his coming appropriated \$500 "for the relief of Pat Garrett," he having earned that reward, previously offered by Governor Lew Wallace, by killing "Billy the Kid" in August, 1881, in the attempt to arrest him.

Judge Parker remained but a brief time at Socorro before removing to La Mesilla, then county seat of Doña Ana County, and noted in history as the capital of the short-lived Confederate Territory of Arizona. Here he tried his first lawsuit.

Kingston, now a ghost city, was then a bustling and prospering mining camp. Its opportunities attracted the young lawyer, as well as others whose names are familiar in New Mexico chronicles. He removed there in 1882.

Organization of the County of Sierra was then projected. The legislature of 1884 created it. No doubt anticipating that Hillsboro would become the county seat, Judge

Parker located there in 1883. It remained his home and the scene of his professional activities until he was called to the bench. His experiences at Kingston and Hillsboro supplied him with a fund of anecdote which he often recounted in his inimitable way, and which his intimates always enjoyed. A sidelight of these years in Hillsboro is given by an old muster-roll of June 12, 1885, which shows that F. W. Parker, a young lawyer not yet twenty-five years of age, was enrolled as a sergeant by Capt. Nicholas Galles of Company G, First Reg't New Mexico Volunteer Militia. He was not called upon for active field-service, but, several times during the next nine months, detachments of this militia company were engaged in the wide-spread efforts to catch the renegade Geronimo and his Apache band who were ravaging that part of the territory. During this period also young Parker served one term (1887-1889) as superintendent of schools of his county.

On going to the bench, Judge Parker was assigned as presiding judge of the third district, then consisting of Doña Ana, Grant and Sierra counties. The new counties of Otero, in 1899, and Luna, in 1901, were added to the district. In 1904 it was reorganized to include Doña Ana, Grant, Socorro, Luna, and Sierra counties. In 1909 it was again changed, and thence until statehood, comprised Doña Ana, Grant, and Luna counties.

Judge Parker established the seat of his district at Las Cruces, where he continued to reside until, relieved by statehood of his duties as a trial judge, he removed to Santa Fé. He chose, however, to retain Las Cruces as his voting residence, as the natural and easy means of avoiding participation in politics, thus establishing a precedent which most, if not all, of his associates have followed.

The territorial assembly of 1897 discarded the common law system of pleading, adopting the code of civil procedure. So, just as Judge Parker came to the bench, courts and lawyers were compelled to adjust themselves to change. It involved numerous important matters of practice, as well

as some questions of fundamental right. It must have added greatly to the labors of the new judge.

Judge Parker presided at many trials, criminal and civil, famous in New Mexico annals, consequent upon the gradual establishment of law and order, and the development of the resources of his important district. In an early case he was called upon by mandate of the Supreme Court of the United States to inquire into the navigability of the Rio Grande, and to determine whether the construction of a dam at Elephant Butte and the appropriation of waters stored thereby, would impair it. His elaborate findings in that case (*United States v. The Rio Grande Dam and Irrigation Co.*, 10 N. M. 617) cannot but interest the present day reader.

The first decisions in which Judge Parker participated in the territorial supreme court were rendered August 16, 1898. A week later two opinions came from his pen: *Territory v. Archibeque*, 9 N. M. 341, and *Lockhart v. Wills*, 9 N. M. 344. He is the author of seventy of its opinions. He dissented in fifteen, and specially concurred in four.

Statehood, the aspiration reflected in the legislative resolutions of 1880, remained the goal for thirty years. Finally, in 1910, the act was passed enabling its people to form a constitution and state government and to be admitted into the Union on an equal footing with the original states. In the convention chosen to frame the constitution, Judge Parker appeared as a delegate from Doña Ana County. The records show that he was constant in attendance and active in deliberation. He was made a member of its committee on Ways and Means. His most important service was as chairman of the committee on Judicial Department, which framed Article VI, creating the courts and prescribing their jurisdiction.

Judge Parker did not lack for able assistance and advice on the important committee he headed. Its membership included lawyers who had already attained statewide reputations, and whose names are still familiar. They were

Thomas B. Catron, Clarence J. Roberts, Albert B. Fall, Reed Holloman, Herbert F. Raynolds, Granville A. Richardson, Arthur H. Harlee, James G. Fitch, and J. Lee Lawson. The convention had no abler or more distinguished committee.

The present importance of prohibition lends interest to Judge Parker's attitude on this question as a delegate. The convention's committee on Liquor Traffic and Prohibition had reported as its opinion:

That the regulation of the liquor traffic is a proper subject of legislative regulation under the police power of the state, and is not a proper matter to be incorporated in the constitution or to be considered by this convention.

As a substitute for this report Delegate Parker proposed constitutional local option for counties.

The constitution having been adopted by the people and approved by President Taft and by the congress, Governor Mills called the first state election. Judge Parker, Clarence J. Roberts, and Richard H. Hanna were chosen as the first justices of the new supreme court. Fortune favored Judge Parker in the classification by lot, and his term was fixed at nine years.

Time has witnessed many changes in the personnel of that court. Judge Parker remained a fixture, having been reelected in 1920 and again in 1928. By seniority he became chief justice in 1919. Chief Justice Raynolds resigned from the court December 11, 1922. This again cast seniority upon Judge Parker, and he served as chief justice until 1929.

New Mexico did well thus to call its most seasoned and experienced jurist. These twenty years may be termed the formative period of our jurisprudence. The constitution could best be understood and interpreted by one who participated in the deliberations which produced it, and was, moreover, intimately acquainted with the system it supplanted. He knew the history of its provisions, the changes they were designed to effect, the evils sought to be corrected

or avoided. This understanding was always available to the new court. There was an easy and natural transition from territory to state. Judge Parker and his first able associates have laid the foundations and established the landmarks.

The 394 opinions of the court delivered by Judge Parker since statehood represent but a part of his effort. For nine years he bore the considerable additional burdens of the chief justiceship. Moreover, his wisdom and much labor are reflected in the opinions handed down by his associates. He did not lightly or carelessly concur. When he did, it was an assurance that the case had had his careful consideration, and that he approved both the result and the principles laid down. He was not a dissenting judge. He was always ready to re-examine his own views. But he had to be convinced. The reports since statehood disclose thirteen dissents, in seven of which he set forth his objections. In six cases he concurred specially.

The legislature of 1917 created a State Boundary Commission, with important duties regarding the location of our interstate boundaries with Colorado and Texas. Governor Lindsey named Judge Parker to that commission and he served upon it until 1931. He was greatly interested in its business and gave to it a good deal of thought and time.

Except in matters political, Judge Parker was in every way a representative and public spirited citizen of Santa Fé. He acquired a home, was interested in local enterprises, and socially prominent and popular. In the role of Alcalde of the cabildo of Santa Fé, he will be remembered by Fiesta goers.

The present limit of space precludes an adequate review of Judge Parker's influence and achievement as jurist. Many of his opinions are now leading cases, regarded by bench and bar as establishing the law for this jurisdiction. They are easily understood. In clarity of statement of fact and law, he was unsurpassed. He attempted no fine writing or display of learning. Ostentation and preten-

sion were foreign to his nature. His thought was simply and plainly to inform attorney and litigant of the reasons for the decision, and to establish sound principles as precedent. Both as trial and as appellate judge, he possessed in rare degree the confidence and respect of the bar and of the people. They recognized truly that his passion was for justice and fair play. His learning in the law and devotion to its principles detracted not at all from his human understanding and sympathy. He subjected every case to the test of justice as well as of law. Human institutions are imperfect. Sometimes established principles, calculated to do justice, seem to fail in the particular case, and, without usurping power not theirs, judges cannot prevent results they would gladly avoid. Such cases were always painful to Judge Parker. He was slow indeed to yield justice to legality, and not sparing in effort to avoid it.

Judge Parker's first marriage occurred at Minneapolis in 1892, to Miss Lillian L. Kinney. She died the following year. Their daughter, Lillian, is now Mrs. Rufus Palm. He was again married in 1904 to Miss Anna Davis, his widow. She is well known throughout New Mexico for her numerous church, club, fraternal and political activities. Their son, Frank Wilson Parker, is a senior medical student at the University of Michigan.

The funeral of Judge Parker was marked with every honor. His remains lay in state in the Supreme Court room before the bench he had so long occupied. Thence they were conveyed to the Scottish Rite auditorium, where the ritual of that order was observed. Thence, attended by guards of honor, both military and civilian, they were conveyed to Fairview Cemetery, in Santa Fé, and interred according to the Masonic rite.

A few days later the State Bar Association, being in annual session at Santa Fé, adopted resolutions of respect, directing its committee to move their adoption and record in the supreme court. On the afternoon of that day, the court met in special session to receive them. A sincere and eloquent tribute, let them serve to close this sketch:

In the passing of Justice Frank Wilson Parker, the Bench of New Mexico has lost an honored member, and the Bar a guide and mentor whose decisions for thirty-five years have built the foundations and shaped the structure of our judicial history sanely and soundly. His accomplishments as a jurist need no encomiums from us. They are written for all time upon the pages of our reports from Volume 9 to Volume 36, there to remain for the generations of lawyers to come, bearing mute testimony to his ability as a Judge, to his humanity, and to his innate fairness of approach to every question which he was called upon to decide during his useful years upon the Bench.

But the printed pages of those reports do not furnish a picture which satisfies those who knew Judge Parker during his lifetime. Even though cold type may accurately reflect and record the logic of his mind, the clarity of his thought, the wide scope of his knowledge of precedent and the fundamentals of the law, yet the Bar of New Mexico is not content to have that portrayal of him remain as the sole reminder of his long life amongst us. As a living, sentient being we knew him, and we loved him for those qualities of mind and heart, those human failings and frailties, which made him one with all humanity. We wish the World to know for all the tomorrows to come that the judicial ermine covered a gentle soul, a kindly heart with malice toward none, which knew not envy, carried no hatred, and was at peace with all his fellow men. Courageously he met the buffets of a material world and when the end came, that courage did not fail him, and so, uncomplaining as always, was he gathered to his fathers.

JOHN C. WATSON.

BOOK REVIEWS

Les Négociations de la République du Texas en Europe, 1837-1845. By Mary Katherine Chase, Ph.D. (Paris, Librairie Ancienne Honoré Champion, 1932. 226 pp., 2 maps. \$2.00.)

Miss Chase did her undergraduate work at Stanford and received her doctorate at the University of Brussels. As a result of her research during several years in the official archives in Paris, Brussels, and The Hague, we now have this very interesting study in the diplomatic relations of Texas during the years when she was an independent republic. As the author indicates in her introduction, her work supplements that already done by Prof. G. P. Garrison in the diplomatic correspondence in the Texan archives, and by Dr. E. D. Adams upon the relations between Texas and Great Britain.

The last fifth of the volume is given to an appendix, with the text of official correspondence selected from the three archives. In the main part of the book, Dr. Chase discusses, chronologically and in five chapters, the diplomatic negotiations of the Texan envoys: General James Pinckney Henderson from 1837 to 1839; General James Hamilton in 1840, and in 1841; during 1842 and 1843, George S. McIntosh, Ashbel Smith, and William H. Daingerfield were the active agents; in 1844 and 1845, Daingerfield, Smith, and George Whitefield Terrell.

The work done by Dr. Chase is of especial value in giving a comprehensive view of Texan relations with European powers during the years between her break with Mexico and her annexation by the United States, and as the author says, the documentary material which she found "nous ont permis de corriger quelques erreurs courants et de combler certaines lacunes en ce qui concerne l'histoire des relations entre le Texas et l'Europe."

There is no index, but the footnotes are adequate and helpful.

L. B. B.

Catálogo de los fondos Americanos del archivo de protocolos de Sevilla: tomo I—siglo xvi (con xx apéndices documentales). (Compañía Ibero-Americana de Publicaciones, Madrid, Barcelona, Buenos Aires. 1930. 561 pp.; índices.)

This is volume VIII of the *Colección de documentos inéditos para la historia de Hispano-América*, a series of publications being carried forward by the Instituto Hispano-Cubano de Historia de América at Sevilla, under the able directorship of Dr. José María Ots Capdequí. Following the brief introduction by Dr. Ots, the bulk of the volume consists of a *catálogo razonado*, or calendar, of 1867 notarial documents relating to the years 1493 to 1577. In the appendices is given the text of twenty of these documents with five photographic reproductions. One of these, for example, is an "I. O. U" given to an English merchant in Sevilla by "Sebastián Caboto, captain of the Queen our lady, citizen of this city of Sevilla." It was the year 1516, and he was borrowing fifty-five gold ducats.

As Dr. Ots indicates, the Archivo General de Indias is the great depository of the documentary material relating to Spanish-America, but here in the Archivo de Protocolos is a great mass of supplementary material "the study of which is indispensable for arriving at any possible reconstruction of the political, economic, and social bases upon which the colonizing structure of the Spanish State was to be erected in the American territories." Perhaps the guiding mind of the Spanish empire was in Medina del Campo, or Valladolid, or Madrid; the throbbing heart of the empire was in Sevilla and "many were the agriculturists and merchants, bureaucrats and adventurers who left evidence of their passage through Sevilla in the notarial writings which they gave just before embarking for the unknown."

Research students in Sevilla today will find the book of inestimable value within the period indicated; and later volumes doubtless will show many leads of interest to our readers.

L. B. B.

Forgotten Frontiers. By Alfred Barnaby Thomas. (University of Oklahoma Press, 1932. 420 pp. With maps and plates.)

Dr. Herbert Eugene Bolton and Professor Alfred Barnaby Thomas have given the eighteenth century Spanish Southwest a native hero in the person of Don Juan Bautista de Anza. True, he had been immortalized in a poem celebrating his victory and that of predecessors, over Cuerno Verde, the Comanche chieftain,¹ and historians of the Southwest had made due note of his explorations and campaigns,² but it is out of the welter of detail in Bolton's five-volume work and Thomas' *Forgotten Frontiers* that Anza emerges from the shadows of a forgotten past and becomes a definite heroic figure worthy of place with Cortez, Mendoza and de Vargas in the annals of Spanish conquest and colonization. "Frontier captain, Indian fighter, and military governor of Sonora; explorer and colonizer, the founder of San Francisco in California; military governor, Indian fighter, peace-maker and explorer" as Professor Thomas characterizes him in his preface, Anza combined in his person rare qualities of statesmanship, diplomacy and generalship, which, perhaps, prevented a calamity such as overwhelmed the Spaniards in New Mexico through the Pueblo rebellion of the century before, only that this time, the so-called nomadic tribes threatened to submerge the Pueblos as well. In fact, the entire Spanish domain north of the Rio Grande was seriously threatened by Indian attack on every front. By 1776 (the year of the Declaration of Independence by the British colonies on the Atlantic coast) "conditions were so critical that Charles III lopped off these northern provinces, created there practically a new viceroyalty under the Galvez-Croix plan, and commanded El Cavallero de Croix to stave off the impending ruin."

The execution of the plan was entrusted to Anza. "The results were little short of remarkable. He reorganized

1. *Los Comanches*, by Aurelio M. Espinosa, bulletin, University of New Mexico, Vol. 1, No. 1, 1907.

2. Bancroft, Twitchell, Coan.

the towns and pueblos of New Mexico and built up their defense. He opened a route between New Mexico and Sonora for trading and strategic purposes. He carried aid and the offer of protection of Spanish arms to the Moqui, and saved that people from extermination by drought, disease, Utes and Navajos. Finally, he campaigned with brilliant success against the enemies of the frontier. Far up in present Colorado in 1779 he hunted down and defeated the Comanches. Next with kindness and rare political sagacity he won their affection, reconciled them with their bitterest enemy, the Utes, and then bound both to Spanish power by a defensive and offensive alliance against the Apaches. More, with this combined force of Spaniard, Ute and Comanche, he threatened the Navajo, forced them into the compact, required them to dissolve their agreements with the Gila Apaches and to declare war upon these former friends and allies."

Forgotten Frontiers is not a biography of Anza, it is merely a "study of the Spanish Indian policy" of that remarkable governor of New Mexico, a policy which achieved its objective and in the light of later experiences, appears so much more rational than that followed a century later by the United States.

It is true, critical historians will not accept the sweeping generalizations in praise of Anza. In fact, his achievements have been minimized by other writers, but one cannot read the astounding documentary record as it has been brought together by Thomas without coming to the conclusion that Anza, with a paucity of means that is appalling, performed deeds which must have seemed miraculous and justify to this day the annual rendition throughout New Mexico, at Christmas time of the play "Los Comanches." That Anza at the same time suffered from the attack of those whom he sought to benefit, was maligned and unjustly treated by superiors and had to cope with serious internal dissensions, is merely a repetition of the fate of most empire builders and leaders in human affairs.

The Indian frontiers of New Mexico in 1777 were indefinite, with the Indians raiding frequently into the very heart of the province. However, the principal menace was the Apaches on the south and west and the Comanches on the north and east. Thomas reviews the campaigns against the Apaches until "in 1778 a definite policy had been decided upon with regard to Spanish relations with Apaches and Comanches, and Governor Anza, proceeding to take command at the moment in New Mexico, brilliantly attained the principal objectives of this policy in the ten years of his rule."

The policy was one of benevolent participation in the settlement of internal dissensions of tribes, bringing together factions within each tribe under one leader and then binding the tribe through such leader to the Spaniards and their policies. When this unification of tribes was achieved and friendship with the Spaniards established, amicable relations between tribes formerly hostile to each other were brought about by Spanish diplomacy, and finally alliances to help in subduing the Apaches who alone refused to submit to this policy. Thus the Comanches and Utes were brought together in a peace pact during an Indian Fair held at Pecos. Anza, returning from the Fair to Santa Fe, undertook the task, with the aid of the Comanches, of weaning the Navajos from the Gila Apache alliance. He succeeded. A Navajo general was installed as "supreme over his nation and dependent on Spanish friendship"; he "attended three military reviews Anza held in different jurisdictions, and returned greatly impressed with Spanish power."

Thus with the Comanche chief Ecueraçapa, who "because of his docility, knowledge of Spanish customs, obedience and character was undoubtedly the best instrument to establish the king's control over this war-like nation, little difficulty was encountered, for "late in the afternoon, Ecueraçapa himself with a large troop rode into Santa Fe where he was received with great ceremony. He

verified the general establishment of peace and assured Anza that his people had shown every inclination and disposition necessary to recognize him as superior chief and render to him obedience as such. In his turn he swore subordination and recognition of the king. Anza thereupon hung upon the Comanche his Majesty's medal. More, that 'that insignia might be displayed with the greatest propriety and luster, he presented him with a complete uniform and another suit of color. For these Ecuera capa extended many expressions of gratitude.' Meanwhile the Comanches were carrying out their agreement to the Apache war." An inexpensive victory which assured peace with the Comanches for thirty years. Says the author:

"The westward penetration of United States traders after 1800, carrying whiskey, powder and bullets among the Plains Indians, demolished the structure of alliances which an enlightened Spanish policy had built among the tribes surrounding New Mexico." He concludes further: "Apache, Comanche and Ute, riding with the other three horsemen, drought, famine and disease, bade fair to destroy the Pueblo. For them the Spaniards came as saviors. Against starvation the padre's prayer and Spanish grain supported them; barbarian inroads met the steel of Spanish courage. The unwritten record of this heroic defense of New Mexico is limned with Spanish blood that alone saved the distinctive Pueblo Southwest and dulled the edge of surrounding savagery. Indians whose lush lands the English coveted have struck their tipis. Enchanted Zuñi still warms the desert skyline where the Spanish standard lifted."

Governor Anza's expeditions to Moqui and to Sonora in 1780, and his triumph over the Apaches from 1783 to 1787, together with a running narrative of Comanche invasions 1700 to 1776 and Anza's triumphant campaign against this formidable enemy, furnish many interesting incidents of New Mexico history which might well furnish theme for song and story.

The peace finally formulated with the Comanches in 1786 was the climax of anxious years of warfare and wrangling. It justified the Spanish policy and had its effect far beyond the Spanish frontier. The Comanches had made overtures previously. "On July 12, 1785, four hundred Comanches sought amnesty in Taos; simultaneously in Texas, Governor Cabello held council with three Comanche chiefs come to San Antonio with the olive branch. Those at Taos were joined on July 29 by two more chiefs and twenty-five warriors from different rancherías asking if the peace established with the four hundred was general. Consequently, though Anza refused a formal treaty to the Comanche until they united to make the pact effective, he continued to regard them as friends." To bring about this union, Toroblanco, a Comanche chief who stood out against this policy, had to be assassinated. The Utes who feared that peace with the Comanches would displace them in Spanish favor employed obstructionist tactics which Anza overcame through diplomacy. The Comanches held a council on the Rio de Napestle at Casa de Palo which "resulted in the selection of a single individual to represent their rancherías, numbering more than six hundred lodges, in the negotiations to establish satisfactory peace and commercial relations with the Spaniards." The individual thus selected was, of course, Ecueraçapa, "later eulogized by Anza and already famed in both Spanish provinces for his valor and political sagacity."

Thomas having concluded his narrative, gives the greater part of the volume to excellent translations of the "Geographical Description of New Mexico written by the Reverend Preacher Fray Juan Agustín de Morfi" in 1782, the "Diary of the Expedition against the Comanche Nation," the "Diary of the Expedition which the undersigned Lieutenant-Colonel Governor and Commander of the province of New Mexico made from that to the province of Sonora for the purpose of opening a route for communication and commerce from one to the other with greater

directness than that which up to the present is known," and the "Diary of the Expedition to the Province of Moqui," together with voluminous correspondence which passed between Anza and the Spanish authorities. "Editorial Notes and Bibliography" and an admirably arranged and complete index, together with maps and plates, complete the interesting study. It is in no sense a biography, for as the author states in his preface: "this remarkable man yet awaits his biographer," nor is it "a rounded investigation of his administration as governor of New Mexico," but it does place at the disposal of students of New Mexico history a wealth of authentic material and gives the general reader a fascinating story of Spanish colonial annals. The volume is well printed and bound by the University of Oklahoma Press which, like the University of New Mexico Press, is adding mightily to the prestige of the fine institution of learning with which it is connected.—P. A. F. W.

Acapulco en la historia y en la leyenda. By Vito Alessio Robles. (Imprenta Mundial, Miravalle 13, Mexico City. 1932. 16 mo.; 208 pp.; 10 maps and illustrations.)

Sr. Alessio Robles has given us a little book quite different in subject and treatment, but not in charming style, from the scholarly study which he brought out a year ago. *Francisco de Urdiñola, y el Norte de la Nueva España* (v. vol. VI, 304) took us to the ancient city of Saltillo and the northern borderlands of old "Nueva España"; this little volume takes us to the south and shows how intriguing a guide-book may be made. It would be hard to imagine a more delightful *vade mecum* for the visitor who enjoys "history and legend" with his travels, and who decides to try the magnificent national highway of some 300 miles now connecting the Valley of Mexico with the ancient harbor of Acapulco, lying almost due south, the "key of the Pacific" and the "knot in the communications between Europe and Asia" since the middle of the 16th century.

The chapter titles indicate the wide range of gleanings which Sr. Alessio Robles has brought together under the above title. After brief chapters on "The Road to Asia," "The Origins of Acapulco," and its harbor, the author discusses Acapulco in relation to geographical discoveries; Christianity in Japan, and diplomatic dealings with the Japanese; navigation, commerce, corsairs, contraband trade; the annual fair which was held after the arrival of the Manila galleon and to which merchants came from all parts of New Spain, from the isthmus, and even from Perú. A chapter is given to the great patriot Morelos; and another to famous visitors of earlier times. Here, for example, in 1592 came "the illustrious conqueror and explorer don Gaspar Castaños de Sosa, loaded with chains and condemned to a long imprisonment which he must expiate in the Philippines," because of his *entrada* into New Mexico. The malice of those who had denounced him was later established by the Council of the Indies, but by that time Sosa had been killed by Chinese seamen on a galley in the Moluccas.

It may be of interest to students of our Southwest to know that at least three of the early governors of New Mexico were acquainted with Acapulco. Shortly after his retirement as governor, Don Pedro de Peralta, the founder of Santa Fé, was appointed *teniente general de castellano y alcalde mayor* of the port of Acapulco. Of especial interest, therefore, is the view of Acapulco as it was in 1618, drawn in colors by the Dutch engineer, Adrian Boot, and reproduced at the close of this volume.

Again, on July 21, 1609 (while Peralta was completing the preparations for his departure to New Mexico) Don Bernardino de Zavallos was named "*por almirante del descubrimiento de las yslas Ricas de oro y plata,*" and from then until May, 1610, he was engaged in going to Guatemala to arrange for the ships which were to make the voyage, and in transporting to Acapulco the tackle and other equipment and the provisions which had been allotted

for the purpose. But meanwhile, over in Spain, a royal appointment for this discovery was given to Sebastián Vizcaino, and this took precedence over the viceroy's appointment of Zavallos; and as the record says, the latter "*no tubo heffeto.*" It was Vizcaino, therefore, who went as ambassador of the viceroy to the Japanese court and in search of the mythical islands; Zavallos (retaining his title of admiral) became governor of New Mexico in 1614.

Another who passed through Acapulco before he was appointed to New Mexico was Don Felipe Sotelo Ossorio. After twelve years of service in Italy and on the Barbary Coast, as soldier and ensign, in 1614 he had gone from Naples to Spain, and from there to New Spain. The viceroy made him *sargento mayor* of the troops in the presidio of San Juan de Ulua; and in 1623, corporal and *comissario* of the infantry which was being sent to relieve the Philippine Islands. He conducted the force to Acapulco, and was appointed by the viceroy to be admiral of the ships which went that year to the Philippines. Apparently he went around the world, for in November, 1624, he was in Cordova, Spain, asking for royal recommendation to the viceroy of New Spain. The king gave ear to his petition, and in consequence he became governor of New Mexico in 1625, —like Zavallos, retaining the title of admiral.

But we have wandered from our book. As a fitting conclusion, the author describes the transformation of the ancient trail into a modern highway. In this work the Mexican government had expended, up to the end of 1931, a grand total of nearly \$17,500,000 and is planning to use \$4,500,000 more to complete the bridge-work, resurfacing, and oiling. A map and itinerary showing distances and altitudes are appended.—L. B. B.

Fighting Men of the West. By Dane Coolidge. (E. P. Dutton and Co., 1932. 343 pp. \$3.75)

Dane Coolidge is a Stanford University graduate who has rambled over the West for nearly forty years, gathering

material, first as a naturalist and field collector, then as a photographer, and finally as a novelist. He has written some forty novels, dealing with the West. In his *Fighting Men of the West*, Mr. Coolidge has turned historian, and has attempted to record as accurately as possible the lives of twelve of the more prominent men who figure in his novels. The author seems to have gotten most of his material from the men themselves and from those who knew them well. He does not claim to have achieved the exactness of a professional historian, but only that his sketches approximate the truth. Many whom he interviewed were reluctant to discuss the past, and when he found others who would talk, he had to rely upon his memory, since taking notes would have immediately shut up these old-timers.

Eight of the men whose strange, wild lives are sketched here were professional fighters—either officers of the law, or outlaws. Two were cattlemen; and two, mining men. Of the cattlemen, the sketch of "Charles Goodnight the trail-maker" follows familiar lines, much emphasis being placed on his fight against cattle thieves. In this fight he is said to have been aided by three powerful marine-glasses which were kept a secret and which gave Goodnight the reputation of being able to "smell a rustler further than you can see one." Nothing is said of his services as the founder and dominating force in the first Panhandle stockmen's association which practically revolutionized the Panhandle cattle country.

The chief novelty in the sketch of John Chisum is that the cattle-king is described as a thief who stole cattle by the herd because he had the power. *The Dictionary of American Biography* says there is no evidence that Chisum used his power in the Pecos Valley for unworthy ends, and that his friends and the community generally regarded him as an honest man. Mr. Coolidge says that Chisum began stealing cattle about the time he moved to New Mexico. The Apaches got the cattle which he was driving through

to deliver to Goodnight, so Chisum went back to Texas and gathered up the first animals he saw. Goodnight refused to take the mixed brands, and thus the partnership between the two men came to an end. Chisum then went from bad to worse, and gathered such a hard bunch of cowboys around him that they intimidated the whole country, and finally, by their aggressions upon their neighbors, brought on the Lincoln County War. Other accounts put the major share of the responsibility for "the war" on alleged thefts of cattle from Chisum and others by employees of Major Murphy, the leading cattleman of the town of Lincoln. As Chisum became the largest individual owner of cattle in the United States, it is to be regretted that there are no footnotes to support this striking difference in interpretation.

The two mining men rival each other in interest. "Colonel" Bill Greene is represented as a natural-born gambler who was unusually successful in getting Eastern capitalists to invest their money in his copper mines in Arizona and Mexico. "Death Valley Scotty" was also successful in getting first one capitalist, and then another to grubstake him while he was searching for his lost gold mine in Death Valley, Nevada. After he lost his job riding broncos in Buffalo Bill's Wild West Show, Scotty devoted years to prospecting. When others tried to follow him and learn the secret of his mysterious mine, this desert-rat became a dangerous man, using nitro-glycerine to blow up the trail after him, and putting out bear-traps for the Indians and poison for the bloodhounds that had been set on his trail. Scotty seems to be the author's favorite character, as he appears more frequently in his novels than any other historical character.

Of the six officers of the law, three are outstanding in interest. Captain John Hughes, Texas Ranger, is said to have gone after more bad Mexicans than any other officer in Texas. Having started in business raising horses, he ran down a gang of thieves who had stolen horses from him and his neighbors, and soon became a ranger. Hughes got

the reputation of being quite a Solomon, after he had captured some thieves and 140 cows which they had stolen from lonely ranches. When a dispute arose among the owners who had come to claim their stock, Hughes observed the children calling their pet calves and bossies in the corral, and divided the cows accordingly. Colonel Emilio Kosterlitzky was the efficient commander of the rural police in northern Mexico, who, like the rangers in Texas and Arizona, had to contend with the outlaws along the border. Kosterlitzky was often assisted by Burton C. Mossman, who was raised in New Mexico around San Marcial, but who won his fame in Arizona. As a ranch manager, he made such a successful war on the cattle thieves who were overrunning the territory, that the governor made him the first captain of the Arizona Rangers. Mossman's greatest single achievement was the capture of Chacón, a typical Mexican bandit who was said to have killed about thirty men. Chacón was in Mexico, and, as Colonel Kosterlitzky was unwilling to turn a Mexican citizen over to an American jury, Mossman fell back on Bert Alvord, an officer who had turned train robber. With the assistance of this sharp outlaw, Mossman kidnapped Chacón and brought him across the line. Resigning his position because of the numerous enemies he had made, he came back to New Mexico, where he became a successful cattleman.

Two outlaws complete the roster. Clay Allison was a fighting Texas cowman who took special delight in getting drunk and shooting up the town. Especially Dodge City, Kansas, reputed to be the toughest town in the world, and whose fighting marshal had sworn to kill Allison but who seems to have absented himself when the opportunity came. Allison came into fame in Cimarrón, New Mexico, in the early '70's, when he started a ranch near the headquarters of the famous Maxwell Grant. This man-killer once intimidated a sheriff and a whole detachment of soldiers who were taking him to Taos to stand trial for the murder of six negro soldiers. Allison was a wealthy cattleman and his

killings were taken lightly, but Colfax county finally elected a sheriff who could get the draw on him, so he moved to Texas. Bert Alvord is an interesting character, although much of his story is given in the sketch of Captain Mossman.

Of the twenty illustrations in the book, four are from photographs by the author.—MARION DARGAN.

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page 142, *add* note 36:

36. L pez de Velasco, *op. cit.*, pp. 2, 91, 337, 582.

page 368, to the Bandelier bibliography *add*:

The siege of La Paz . . . I. [n.p., 189—?] pp. 243-264.
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